Agricultural Land Commission

ALC

Annual Report 2008-2009

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Message from the Chair

During 2008/09 the ALC received just under 600 new applications. New applications contained a wide variety of proposals such as:

- Transportation, infrastructure and utilities needs;
- Non-farm land uses within the ALR;
- Urban development;
- Subdivision ;
- Oil and gas exploration and development; and
- Aggregate resource extraction.

This past year the compliance and enforcement program dealt with over 360 inquiries of alleged disposal of excavation material and demolition debris on ALR land and unlawful non-farm uses of ALR land. Based on these inquiries almost 240 site inspections were conducted.

Since the level of work needed to investigate these inquiries is on a par with researching new applications, the ALC essentially received approximately 960 new issues during the fiscal year. This represents a significant increase in activity for the ALC when compared to its pre-compliance and enforcement days when its yearly activity was generally measured by the number of new applications received.

Indications are that next fiscal year will be challenging for all of government, including the ALC, due the downturn in the global economy.

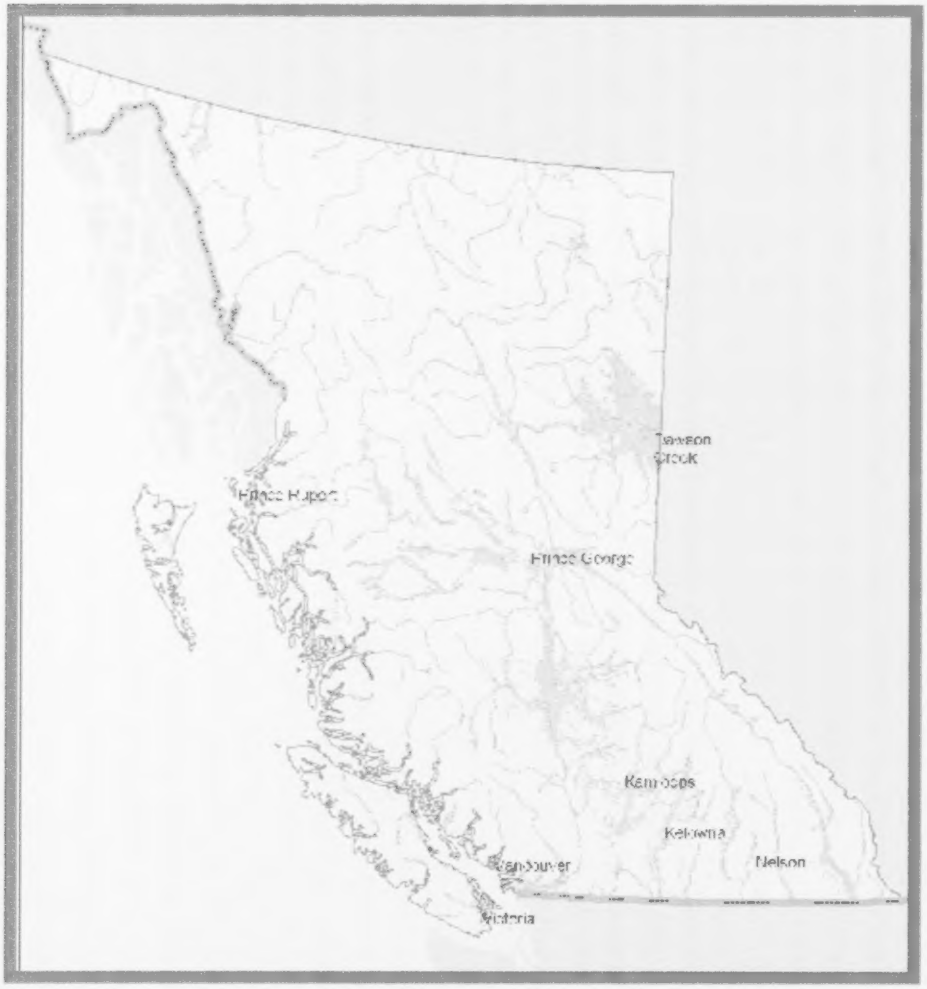
During the last quarter of the year ALC commissioners and staff have been exploring ways to achieve lower cost, well-informed, administratively-fair and timely decisions in light of the budgetary challenges that will be faced by all.

Erik Karlsen
Chair

Mission and Purposes

The mission of the Agricultural Land Commission is to preserve agricultural land and encourage and enable farm businesses throughout British Columbia.

The Commission administers the Agricultural Land Reserve (ALR) as an administrative tribunal at arm's -length from the provincial government. The Commission operates independently within the framework of the *Agricultural Land Commission Act* and BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation). In addition sections 1 – 10 of the *Administrative Tribunals Act* apply to the Commission.



The purposes of the Commission are:

- to preserve agricultural land;
- to encourage farming on agricultural land in collaboration with other communities of interest; and
- to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Administrative Tribunal

An administrative tribunal is a specialized government agency established under federal or provincial legislation to implement legislative policy. Appointment to such agencies is usually by order-in-council. Candidates for appointment are chosen for their expertise and their experience in the particular sector being regulated by the legislation. Administrative tribunals perform a wide range of functions, including research and recommendations; rule making and policy development; grant allocation; adjudication; and standard setting.

Administrative tribunals function at arm's length from government and are expected to exercise their role in a nonpartisan manner. However, the precise relationship between administrative tribunals and government varies.

Administrative tribunals engaged in an adjudicative process function in a manner more closely analogous to the courts with the holding of formal hearings. Procedure is less formal than before the courts and the rules of evidence do not apply, although decisions must be based only on cogent evidence. The decisions of administrative tribunals are ordinarily final and not subject to appeal, although a right of appeal may be provided for either to the courts, another administrative tribunal or cabinet.

Even where no right of appeal is provided, it is a principle of the Canadian Constitution that the superior courts have jurisdiction to review the function of any administrative tribunal so as to ensure that it acts within the jurisdiction conferred on it by Parliament or the legislature, and that it has treated the parties before it fairly. In the event an administrative tribunal has failed to do so, a superior court may quash its decision, remit the matter back for redetermination, and in some cases substitute the finding of the court on a matter of law or mixed fact and law for that of the administrative tribunal.
(adapted from the Canadian Encyclopedia http://www.thecanadianencyclopedia.com)

The Board

The Agricultural Land Commission is administered by a government-appointed Commission consisting of 19 board members comprised of a Chair, six Vice-Chairs and 12 Commissioners. For administrative efficiency and regional responsiveness the Commission has created 6 panels for its 6 geographic regions of the province. Each panel has three members - a Vice-Chair and 2 Commissioners appointed from the region for which they are responsible.

The 19 member board is the provincial body of the Commission. The Commission is not, as is often thought, the aggregate of 6 regional Commissions.

The full Commission met once this fiscal year. Discussions included the Business Plan, budget review, policy issues and operational issues including staffing and application processing.

BOARD MEMBERS (APRIL 1, 2008 – MARCH 31, 2009)

Erik Karlsen, Oak Bay
(Chair)

Michael Bose, Surrey
Holly Campbell, Kamloops
David Craven, Shawnigan Lake
Denise Dowswell, Vanderhoof
Gordon Gillette, Williams Lake
Grant Huffman, Riske Creek
Monika Marshall, Grand Forks
Barry Minor, Skookumchuck (appointed Mar. 2009)
Roger Mayer, Keremeos
William Norton, Chilako Valley
Sylvia Pranger, Kent
Carmen Purdy, Cranbrook
Lorne Seitz, Courtenay
Sid Sidhu, Vernon
John Tomlinson, Langley
Jennifer Dyson, Port Alberni (appointed Apr. 2008)
Gerry Zimmermann, Kelowna(appointed Apr. 2008)
Jerry Thibeault, Cranbrook (appointed Dec. 2008)

The following Commissioners also served in this fiscal year until their terms expired:

John Kendrew, Pouce Coupe (appointment expired Nov. 2008)
Grant Griffin, Cranbrook (appointment expired Dec. 2008)

Executive

THE EXECUTIVE COMMITTEE

The Executive Committee consists of the Chair and the 6 Vice-Chairs. The Executive decides on matters related to: Strategic Planning, Business Planning, Policy Development, Issues of province-wide importance, monitoring and coordination of panel operations.

The Executive Committee met five times this year for a total of 5.5 days. Topics of discussion included strategic policy, business planning and governance.

THE EXECUTIVE COMMITTEE

Panels

The panels consist of a Vice-Chair and 2 Commissioners. Panels are responsible for:

- Decisions on applications
- Plan and bylaw reviews
- Field inspections
- Meeting with individuals, local governments, farm organizations and other government representatives

Panels report their regional activities through the Vice-Chair to the Executive Committee.

All decisions relating to applications and planning issues are made at the regional level by the panels. Decisions of a panel are final and cannot be appealed to the Executive Committee or the Board.

In 2008/09 the Panels met a total of 100 days.

THE PANELS

Panel Regions

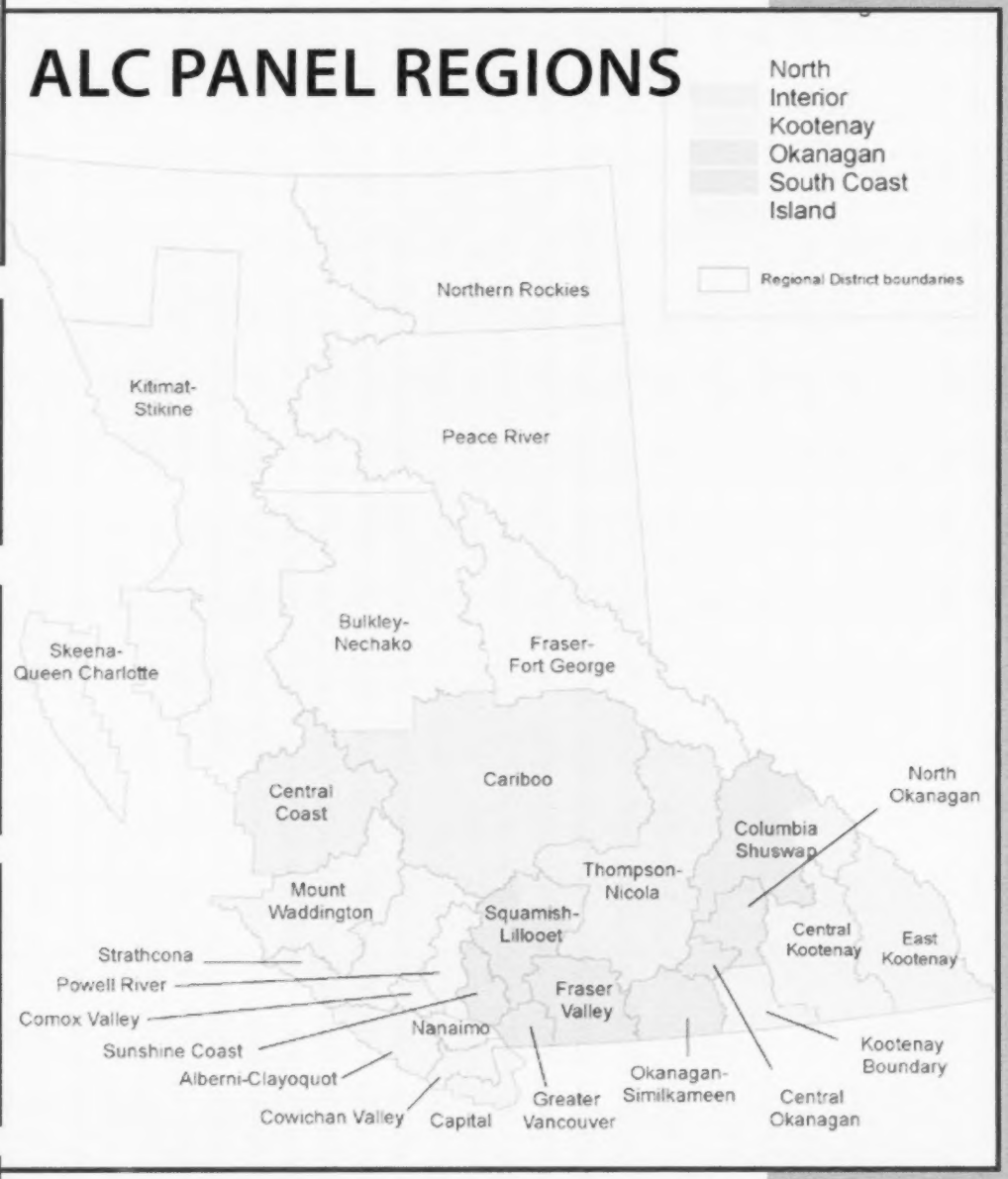
ISLAND PANEL
Responsible for the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts and the Islands Trust.

SOUTH COAST PANEL
Responsible for the Fraser Valley, Greater Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.

OKANAGAN PANEL
Responsible for the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.

KOOTENAY PANEL
Responsible for the Central Kootenay, East Kootenay and Kootenay-Boundary and portion of Columbia Shuswap (Golden area only) Regional Districts.

INTERIOR PANEL
Responsible for the Cariboo, Central Coast and Thompson-Nicola, portion Squamish-Lillooet (Lillooet area only) Regional Districts.



NORTH PANEL
Responsible for the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Northern Rockies, Peace River and Skeena-Queen Charlotte Regional Districts.

Area of Province: 99,217,145 hectares
Area of ALR: 4,645,538 hectares (March 31, 2009)

The Commission Office

The business of the Commission is carried out through four functional areas by a staff of 23.

Land Use Planning and Application Processing
Staff research and administer all applications submitted pursuant to the *Agricultural Land Commission Act* and Regulations. In addition, they also review plans and bylaws of local governments and other agencies to ensure that the ALR is properly identified and that the policies support the objectives of the Act and Regulations.

Compliance and Enforcement
The ALC has a legislative mandate to ensure activities in the ALR are consistent with the Act, regulations and orders of the Commission.

Strategic Planning and Corporate Policy
Staff actively participate with Commissioners in developing strategies, plans and policies to achieve the goals and objectives set out in its Business Plan. Staff also participate in the agricultural planning and policy initiatives of other ministries, agencies and local governments.

Administration and Information Systems
The previous three functions are supported by an administration, records management and information systems unit. This includes maintenance of an application database comprised of approximately 29,000 stored paper files and almost 10,000 stored paper and electronic files as well as over 1,400, 1:20,000 scale ALR maps for the province.

THE STAFF

Executive Directors
Brian Underhill
Colin Fry

Policy and Special Projects
Shaundehl Runka

Compliance and Enforcement
Gordon Bednard
Ron MacLeod
Thomas Loo

Staff Agrologist
Trevor Murrie, P.Ag

Regional Planners
Roger Cheetham
Island, Kootenay, North

Martin Collins
Okanagan, Interior, North

Tony Pellett
South Coast

Land Use Planners
Jennifer Carson
Kootenay

Terra Kaethler
Island, North

Brandy Ridout
Okanagan

Simone Rivers
Interior, North

Ron Wallace
South Coast

Mapping and GIS
Stacy Savidant
GIS Coordinator

Craig Phillips
GIS/Mapping Technician

Gabriel Hazaparu
GIS/Mapping Technician

Administrative Support

Myra Duggan

Lucena Varias Condevillamar

Interior Panel

MEMBERS:
Grant Huffman (Vice-Chair),
Holly Campbell, Gordon Gillette

MESSAGE FROM THE VICE-CHAIR

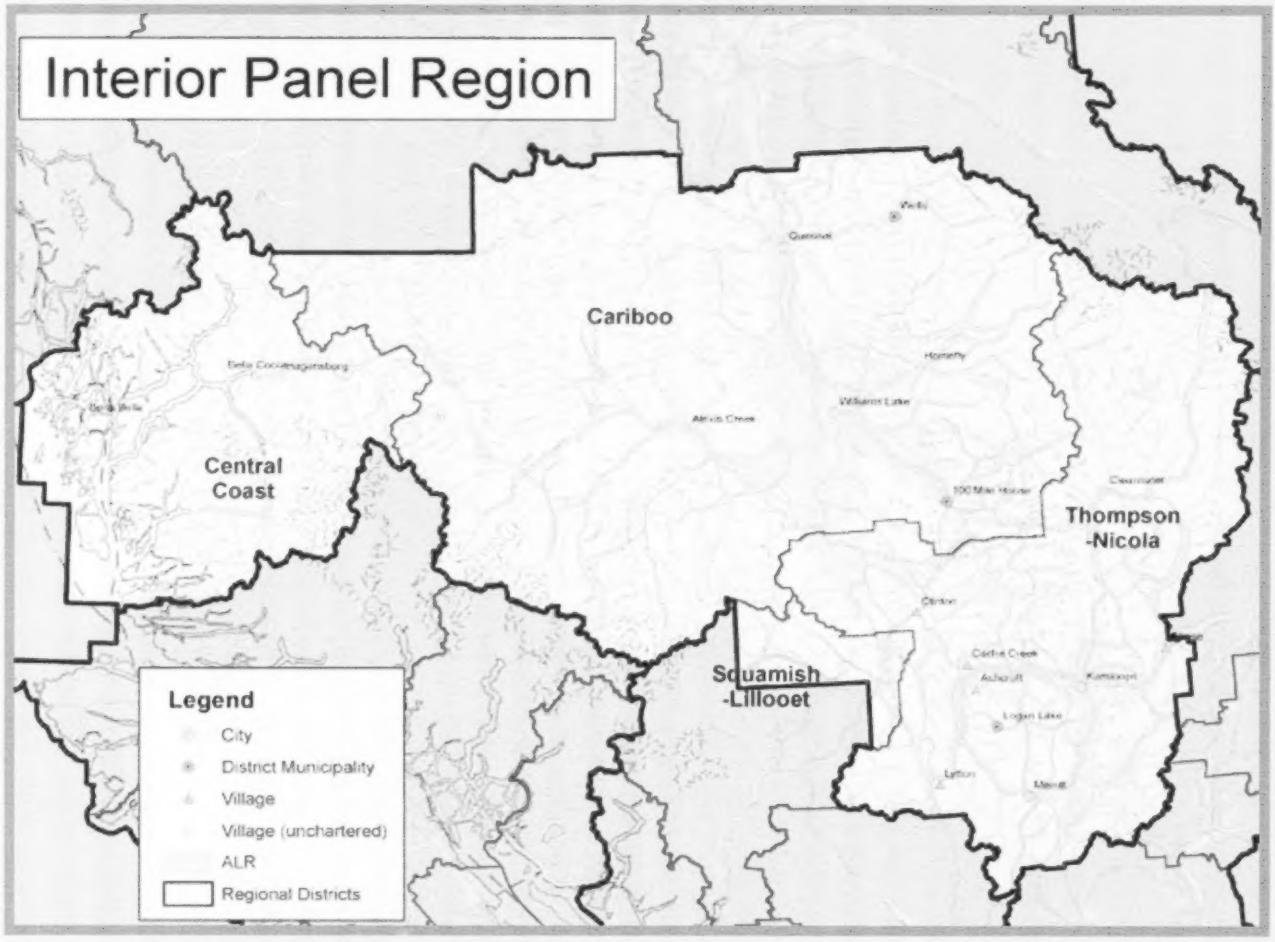
The Interior Panel of the Commission traveled to the Thompson Nicola Regional District and the Cariboo Regional District in April, June, September and November 2008, in the process of reviewing 75 applications for exclusion, inclusion, subdivision and non farm uses.

The Commission also worked with the Cariboo Regional District to finalize the Williams Lake Fringe OCP. This OCP undertook a land use needs analysis which indicated that the demand for rural residential lots was greater than the potential supply. The Regional District identified Agricultural Land Reserve areas on Fox Mountain, east of the City of Williams Lake as appropriate to accommodate rural residential growth. However, the Commission was not prepared to endorse all of the Fox Mountain lands identified in the OCP as suitable for rural residential development. Instead it expressed concern that selected areas had good agricultural capability, and are used for farm purposes. As a compromise the Commission and the Regional District agreed to retain the rural residential map designations, provided the OCP was amended to ensure that plan readers were aware that the Commission did not necessarily endorse all of the rural residential ALR designations on Fox Mountain.

The Interior Panel has also expressed concern about the impacts of transportation expansion road and railway projects on the South Thompson River Valley. These valley farmlands are unique and can grow a wide range of agricultural crops. Settlement and transportation projects are placing increasing pressure on farm businesses in this region. The Commission is working closely with transportation agencies to mitigate the proposed losses of farmland through consultation about access, infrastructure and other business disruptions.

The cattle industry continued to face economic challenges in 2008. The Commission acknowledges these challenges and is prepared to work with ranchers to help raise an understanding of how ALR land use regulations can be supportive of ranch businesses.

Interior Panel



Area of Panel Region: 16,234,300 hectares
Area in ALR: 1,528,809 hectares

Interior Panel

PANEL STATISTICS
April 1, 2008-
March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
71	8	5	58

Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	189.1	0	0	189.1
Exclusion Area (hectares)	253.1	80.2	30.5	12.0	37.7

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	**Williams Lake Fringe Area** **150 Mile House OCP** **Aberdeen Neighborhood Plan**	3
Regional Growth Strategies	**City of Merritt Integrated Growth Strategy**	1
TOTAL		**4**

Interior Panel

APPLICATIONS OF INTEREST

#38360-Citation Networks Ltd.

The Commission approved the exclusion of 28 ha for an internet data centre and technology park south of Cache Creek subject to the concurrent development of a greenhouse operation on adjacent non ALR lands. The excess heat from the data centre would be used by the greenhouses. The 28 ha parcel of ALR land had limited agricultural potential due to topographic constraints, challenging soils, isolation and lack of irrigation. It was not contiguous with any other farm operation nor did it form a significant portion of the ALR inventory in the region. In this particular case, the Commission believed that the benefits of developing an intensive greenhouse operation balanced the exclusion of underutilized land from the ALR.

#37941-Active Mountain Entertainment

The Commission refused the exclusion of approximately 200 ha for a golf course, housing development and entertainment complex on lands previously approved for the Merritt Mountain Music Festival and associated camping. The applicant offered to include into the ALR farmland in the Prince George area with a commensurate amount of land that is currently used for farming.

The Commission believed that the subject lands, while not currently used for farming had potential to be converted to farm uses, even adjacent to the river where gravelled campground pads had been established. The Commission emphasized that while it had provided approval for campground associated infrastructure its overall intent was to ensure that the lands could be returned to agricultural uses when and if the Music Festival ceased to operate. The Commission believed that to exclude the land for golf course, housing and other recreational uses would lead to the loss of considerable potential and history of agricultural use of the subject lands and preclude any potential for the land to revert to agriculture, in particular the Coldwater River lowlands.

PLANNING ACTIVITIES / ISSUES OF INTEREST

#38120-Williams Lake Fringe Official Community Plan

The Commission and the Cariboo Regional District worked collaboratively to identify lands suitable for rural residential designation in the Williams Lake Fringe area in 2008. The Regional District identified a shortfall in available land to meet demand for 4 ha lots in the City of Williams Lake fringe area. The Regional District believed Fox Mountain was the most suitable area for 4 ha lots due to its existing 2 ha -4 ha parcel subdivisions, Williams Lake services, and road infrastructure.

The Commission had opportunity to view the lands proposed for designation on Fox Mountain and consider the Regional District's overall assessment of inventory of rural residential land, and opportunities for re-subdivision and densification (from 4 ha lots to 2 ha lots) in the planning area. Following consultation with the Regional District the Commission found that it could not endorse the designation of the 750 ha of ALR identified in the Fringe Area OCP for rural residential subdivision. The Cariboo Regional District revised the OCP on the basis of the Commission's comments and concerns, identifying a more compact area on Fox Mountain for rural residential designation. The identified area consisted of nine ALR parcels ranging in size from 16-32 ha, which were largely cleared and used for pasture and hayland. Given its mandate to preserve agricultural land and encourage farming the Commission could not endorse the designation of approximately 150 ha of ALR for rural residential subdivision, believing that agricultural utility and use declines on smaller parcels. However, it was prepared to endorse the revised OCP provided it clearly identified those lands upon which the Commission and Regional District could not come to an agreement and provided there is an understanding that endorsement does not fetter the Commission in reviewing future subdivision or land use applications, which would be considered on a case by case basis on their merit.

Island Panel

Members:
Lorne Seitz (Vice-Chair),
David Craven, Jennifer Dyson

MESSAGE FROM THE VICE-CHAIR

Activity of the Island Panel was down by over 25 percent in the past year. The number of applications considered was 70 compared to 96 during the previous twelve months. The nature of the applications continued to reflect similar issues as in previous years.

Most applications were for subdivision (but remaining within the ALR) and for non-farm uses. Some subdivision proposals were based on logical reasons (e.g. topographical features, benefits to agriculture). However, many would appear to simply be an attempt to enhance the value to the owner by creating two parcels from one with no enhancement to agriculture. The Commission generally is of the view that smaller parcels reduce the range of future agricultural uses of a property.

The nature of soils on Vancouver Island can pose a challenge for the Commission. In some instances, the soils on a property might appear to have marginal capability, either throughout the entire parcel or on a portion of it. Looking at the property in isolation might lead to the conclusion that there would be little or no impact on agriculture if the property was subdivided or excluded from the ALR. However, the Commission must look beyond the boundaries of the property in question and consider the impact on surrounding agricultural activities, current or future. Excluding a property within a larger block of ALR parcels might result in non-agricultural uses on that property that would have negative consequences for nearby farming activities. Similarly, subdivision could result in an addition of rural residences, which can pose challenges for surrounding farms. It also tends to encourage others to attempt to subdivide their properties.

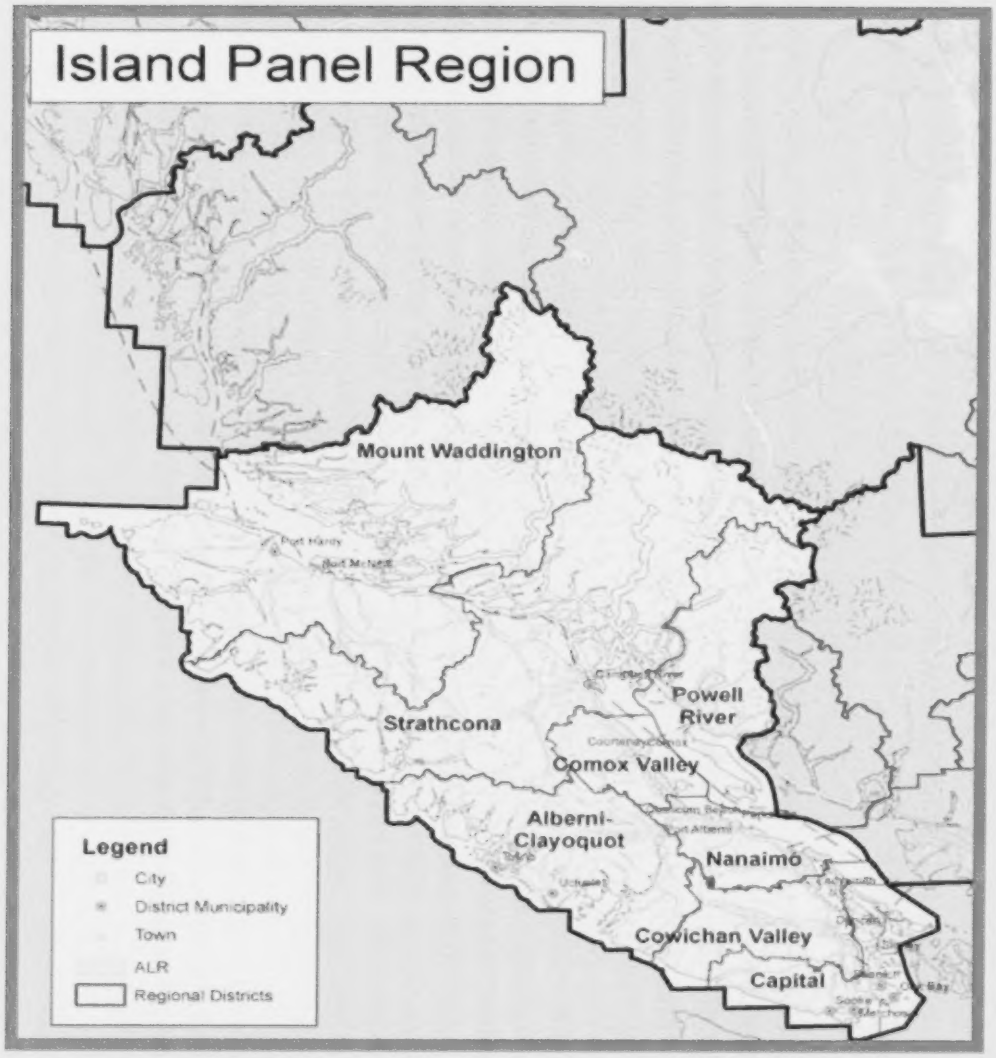
The Commission, on occasion, hears applicants argue that subdivision would enable the owner to raise capital to enhance the agricultural capability of the remaining parcel. While that might appear to have some merit in particular instances, the Commission usually considers the long-term negative implications of splitting properties to override the short-term benefit of obtaining additional capital.

Nevertheless, the Commission does have a second component to its mandate. While the first part of the mandate is to preserve agricultural land, the second part is to encourage farming. As a result, it is prepared to consider proposals, such as non-farm uses within the ALR, when there is credible evidence that agriculture will be enhanced.

As the 2008/2009 year draws to an end, the Island Panel prepared to bid farewell to David Craven of Shawnigan Lake whose term ends on May 1, 2009. David has served on the Commission since 2002 and will be greatly missed. The Panel will, however, be ably supported by his replacement, Niels Holbek from the Comox Valley who had previously served on the Commission in the 1990s.

PANEL OPERATIONS

Island Panel



Area of Panel Region: 7,786,900 hectares
Area in ALR: 115,496 hectares

Island Panel

PANEL STATISTICS
April 1, 2008-March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
70	11	4	55

Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	9.7	0	8.5	1.2
Exclusion Area (hectares)	14.4	11.4	2.9	8.5	0

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Salt Spring Island OCP Central Saanich OCP Colwood OCP Comox Valley Cumberland OCP Denman Island OCP North Cowichan OCP	6
Implementing Bylaws	Mayne Island Land Use Bylaw Denman Island Land Use Bylaw	2
Utility and Energy Projects	Nake Creek Hydroelectric Project	1
Conservation Covenants (Comox Strathcona)	Beaver Meadow Farms Lindsey Dickson Nature Reserve	2
TOTAL		**11**

APPLICATIONS OF INTEREST

#38587 – Beaton

The Beaton farm is a complex commercial agricultural operation located in the Comox Valley. The property consists of 19 hectares and includes production of turkeys, an inspected processing plant, a long-term agreement to raise game birds and a blueberry field. The family has owned the property for 30 years, building the current operation over that period.

The Beatons are now facing a challenge encountered by many successful farm families --- how to achieve a seamless transition to the next generation. The proposal before the Commission was to build a second dwelling (125 sq. meters) to accommodate the current owners, allowing their son and his family to occupy the existing house and, over a period of time, with the assistance of the parents, assume responsibility for the farm.

Intergenerational transfer of successful farm operations is important to ensure the continued existence of agriculture in the province. The Commission tends to look favourably on proposals designed to achieve that objective. In doing so, it considers the extent of the current agricultural activities as well as any potential impacts on the land base.

The proposal by the Beatons addressed the issues constructively. The second dwelling is of minimal size and is designed to be sited in an area of low agricultural capability not currently used in the farm operation. No new road access would be required. The extent of the agriculture operation is such that it would justify a second dwelling for farm help in any event. The "farm help" in this instance was immediate family, which contributes to transition of the operation to the next generation.

#38737-Vantreight Anaerobic Digester

As agriculture evolves, social, environmental, economic and agricultural challenges occasionally converge. During the past year, the Island Panel dealt with an application that reflected components of these issues. Vantreight Farms, on the Saanich Peninsula, presented a proposal for an Integrated Resource Management Project (IRMP).

The IRMP would involve construction and operation of two biogas digesters and a cogeneration plant. Digester #1 would take agricultural and community organic waste, while the input for digester #2 would be sludge from a nearby sewage treatment facility. The methane generated from both digesters would be piped to the adjacent cogeneration plant to meet the electrical and heat requirements of the farm operation (mainly greenhouse production). Excess electricity and heat would be available for community use, including a nearby hospital.

The residue from digester #1 would be used as fertilizer on the applicant's farm or other farms in the area. The residues from digester #2 would be gasified or used as fertilizer for industrial landscaping.

The IRMP would make progress towards achieving many of the sustainability goals of society. Social benefits include the reduction of greenhouse gas emissions, the production of green energy, reduction of waste to the landfill and reduced costs of sewage management.

Benefits to the farm operation were also evident. The reduction of costs for fertilizer and energy resources and the diversification of farm income would help to ensure the economic and environmental sustainability of the farm. The addition of appropriate nutrients would improve soil conditions. Decommissioning the existing composting facility would return arable land to production.

In considering the application, the Commission recognized that the IRMP would be the first of its kind in the province. As a result the Commission considered it a pilot project that would be watched carefully to review the benefits and implications for agriculture. The Commission took note of the size and location of the operation. The total footprint of the two digesters and the cogeneration plant would not exceed one hectare and would be located on land with marginal agricultural capability. To minimize impact and to ensure that agricultural benefits predominated, the approval limited the size of the operation and required that over 50% of the residue be used for farm/agricultural purposes. The Commission also required ongoing reviews of the project and its impacts.

APPLICATIONS OF INTEREST

PLANNING ACTIVITIES / ISSUES OF INTEREST

#38359-Denman Island Official Community Plan

While the Commission had no major issue with the changes proposed in a new OCP for Denman Island it took the opportunity provided by the referral to raise issues of concern relating to existing provisions. The OCP has a number of Development Permit Areas (DPA) for the protection of riparian and wetland areas and steep slopes that apply to land within the ALR. When the provisions in the existing OCP were reviewed in the late 1990s the Commission acknowledged the DPA provisions, recognising the need for the protection of these areas. However it did so with the recognition that the Trust Committee was willing to work with the Commission to ensure that the provisions did not prove unduly onerous for agriculture.

The Commission's view is that the DPA process has not proven to be as straight forward as it envisioned and as a result, the process raised issues of sufficient concern to cause the Commission to request deferral of the new OCP until a mutually agreed process was found that ensured a satisfactory and timely resolution of issues that discourage farming of ALR lands within the DPAs. After meetings with the Trust and receipt of a commitment by the staff of the Trust to follow a process to improve the DPA provisions the Commission withdrew its objection and the OCP was adopted. The Commission is now involved in ongoing discussions with the Trust to improve these provisions.

This is one of a few times that a Panel has found it necessary to request that an OCP bylaw not be adopted. The Commission has found that most local governments respond positively to its suggestions and most OCPs reviewed by the Island Panel are supportive of agriculture and the objectives of the ALC. The issues raised in the Denman Island OCP illustrate the need for the Trust and the Commission to work closely together to ensure that a reasonable balance is achieved between the environmental focus of the Trust and the mandate of the Commission.

Kootenay Panel

Members:
Monika Marshall (Vice-Chair),
Carmen Purdy, D. Grant Griffin

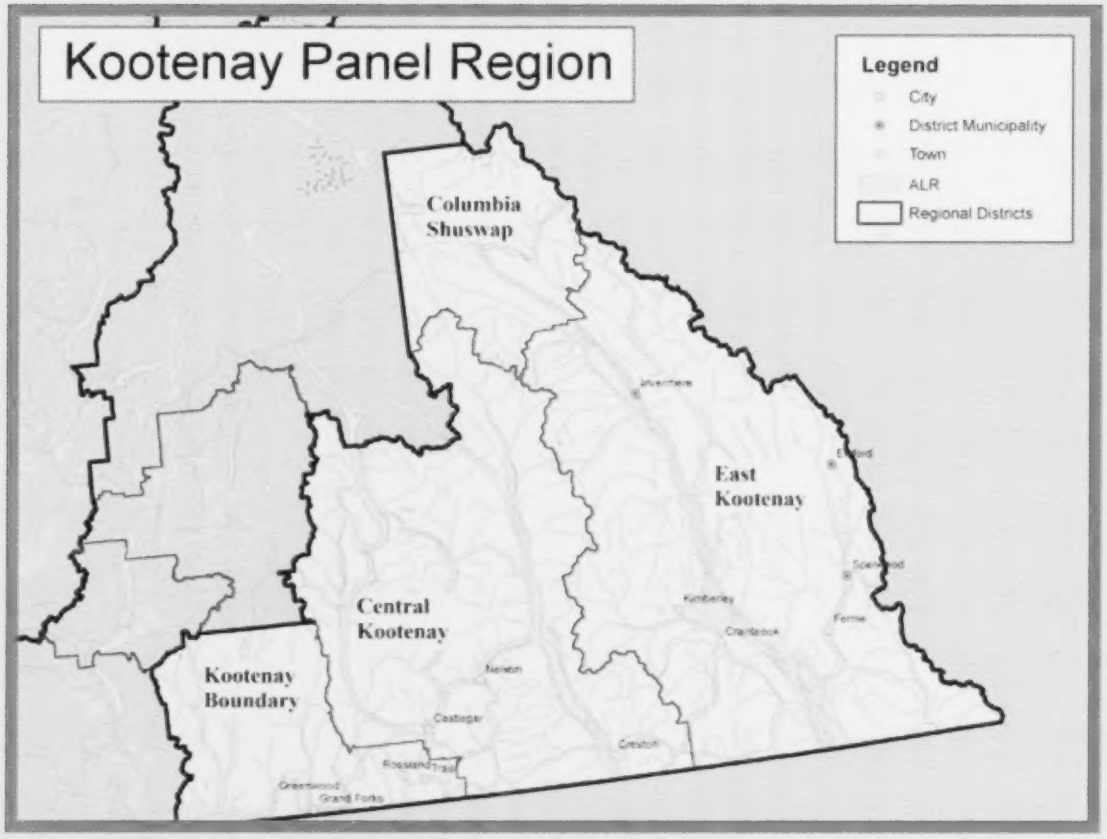
MESSAGE FROM THE VICE-CHAIR

Kootenay Panel activities were less frequent than the previous fiscal year largely in response to a 20% reduction on the overall number of new applications received for this region. The Panel travelled to all areas of the region throughout the spring, summer and early fall, to meet applicants and view lands under application. Most of the applications were located in the central and east Kootenays.

The Panel dealt with applications for non-farm use and subdivision where personal and economic factors were motivating land owners to apply. Many of the applications involved situations where applicants proposed to establish new lots or build additional dwellings for family members, to carry out recreational development on ALR lands or to subdivide to facilitate a land sale. In considering these kinds of applications the panel often heard that applicants wished to continue farming but needed to raise capital to invest in the farm by selling some land - typically an unused portion. In cases where the panel approved an application because it believed the proposal was consistent with its mandate to preserve agricultural land and encourage farming, it worked to see that any potential unintended impacts on the ALR were minimized. This often required mitigation or off-set measures such as fencing, buffering or consolidation of parcels of land.

Unauthorized land uses in the ALR such as equipment and vehicle storage, campground use and soil removal and/or placement are increasingly reported to the Commission. In an expansive region such as the Kootenays, the Commission is unable to respond quickly to all compliance matters brought to its attention, so it appreciates the assistance of officials from local governments and provincial agencies, who are monitoring and encouraging compliance with the *Agricultural Land Commission Act* and regulation. As regional districts carry out planning and zoning initiatives to support agricultural land uses in the Kootenays, the Commission believes this will provide a platform for compliance.

Kootenay Panel



Area of Panel Region: 6,648,700 hectares
Area in ALR : 393,775 hectares

Kootenay Panel

PANEL STATISTICS
April 1, 2008 - March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
93	13	2	78

Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	68.6	0	3.6	65
Exclusion Area (hectares)	103.1	45.6	19.0	9.5	17.1

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	**Slocan Lake OCP** **Moyie OCP** **Grand Forks Sustainable OCP** **City of Rossland OCP** **Village of Montrose OCP**	5
TOTAL		**5**

APPLICATIONS OF INTEREST

Applications received by the Panel each year often involve requests for additional dwellings or rural residential subdivisions. In reviewing these applications the Commission not only has regard to the possible agricultural benefits accruing to the present owner in the shorter term but also to the possible longer term negative impacts on agriculture. While an approval of a dwelling or a single residential subdivision may benefit the existing owner it may also in the longer term give rise to increased potential for unforeseen negative impacts on agriculture by increasing the number of rural residences. Moreover it results in increased acquisition costs for future owners which may note be supported by agricultural production. The following two examples illustrate how the Commission dealt with two applications during the year under review in the context of these considerations.

#38107-Precious

In this example an application was made for the construction of a third dwelling on a 62 ha property to enable the landowner's son to reside on the property to assist in the operation of the farm and horse breeding business. The Commission noted that the applicants were already operating a farm and proposed to expand their agricultural operations. The Commission noted that the proposed site for the third dwelling was separated from the growing areas by a ravine and would thus not affect the site's agricultural potential. It also noted that the second dwelling was used by the owner for his own purposes or to accommodate farm help.

The Commission recognised the value to the farm of permitting a further dwelling to enable the son to reside close by but was concerned about the potential for future subdivision. Moreover it wished to ensure that the third dwelling was occupied by farm help. The Commission concluded that the construction of the third dwelling would provide benefits for the existing farming operation and would not result in any negative impacts on agriculture in the longer term. It thus approved the application subject to a restrictive covenant being registered prohibiting the use of the third dwelling for any purpose other than farm help. In the event that the property ceases to achieve farm assessment the house is required to be removed or decommissioned.

#38240-Tettamanti-Ratvay

This application involved a proposal to subdivide a 122 ha property to create three additional parcels of 8, 12 and 13 ha and a remainder of approximately 89 ha. The Commission noted that although the property generally has agricultural potential, north east portions have low agricultural capability. It refused the application as presented and approved two 8.0 ha subdivisions in the area of low agricultural capability.

PLANNING ACTIVITIES / ISSUES OF INTEREST

The Commission reviewed the Windermere Official Community Plan prepared by the East Kootenay Regional District and a new Official Community Plan for the City of Cranbrook. Both OCPs were found to be generally supportive of agriculture and only relatively minor issues were identified. With respect to the Windermere OCP some issues relating to the application of a Development Permit Area for the protection of the Natural Environment require further review. The Commission continued working with the East Kootenay Regional District with regard to its review of the boundaries of the ALR in the Elk Valley.

APPLICATIONS OF INTEREST

PLANNING ACTIVITIES/ ISSUES OF INTEREST

North Panel

Members:
William Norton(Vice-Chair),
John Kendrew, Denise Dowswell

MESSAGE FROM THE VICE-CHAIR

The North Panel reviewed 148 applications in 2008-09. The Panel made four inspection trips to the Peace River Regional District, four to the northwest and north central areas comprising the Fraser Fort George, Bulkley-Nechako and Kitimat-Stikine Regional Districts, and one to Fort Nelson.

A significant decision was the Commission's approval of a Logistics Park adjacent to Prince George airport which would improve goods movement through the north central region of the province. This resulted in a net gain of 191.5 hectares in the ALR and the creation of a fund of up to $8,000,000 to support agricultural infrastructure.

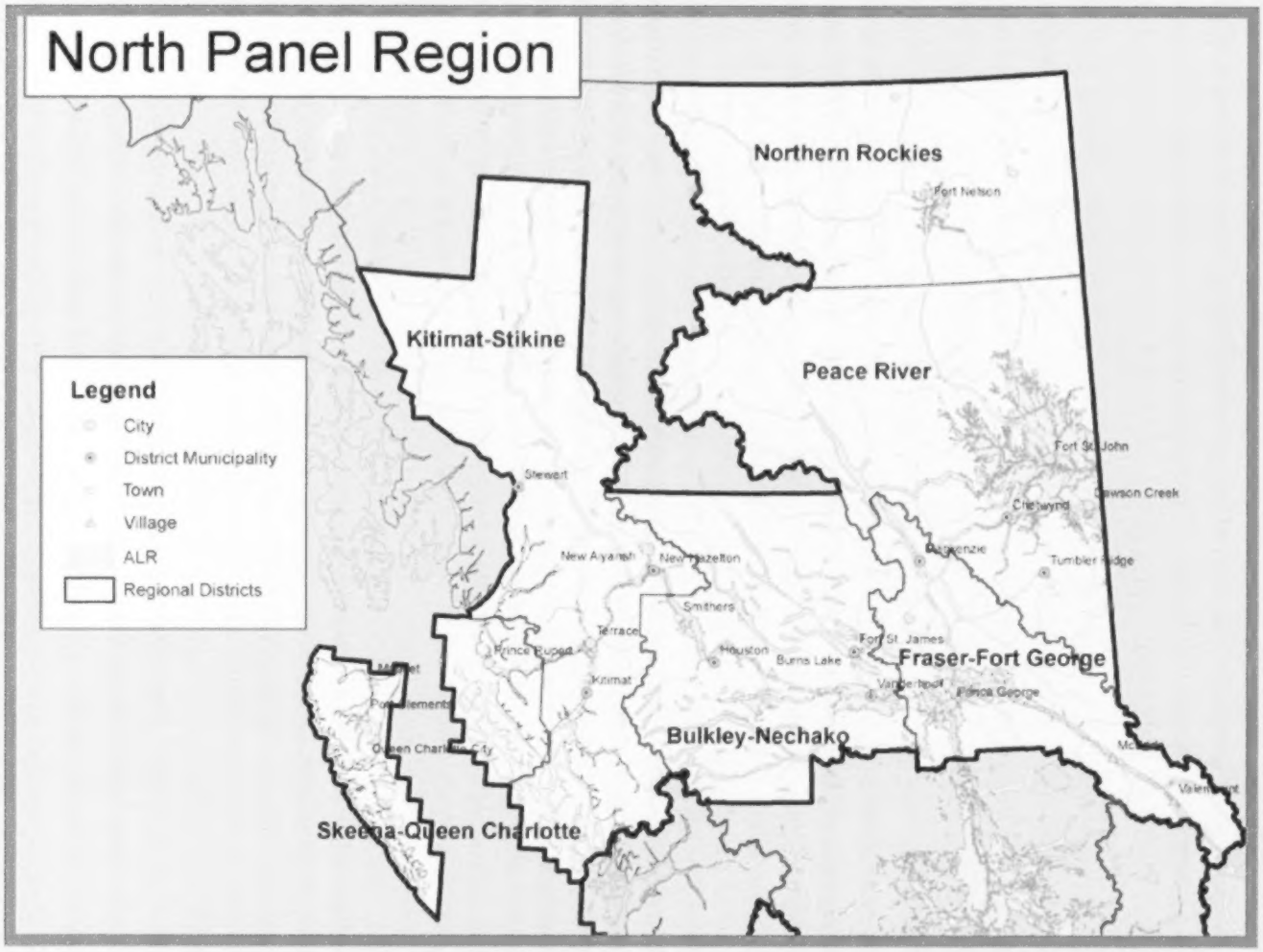
The Peace River Regional District forwarded drafts of the North Peace Fringe Area Official Community Plan (OCP) in 2008 for the Commission's review and comment. The purpose of the planning program is to update and combine several existing OCPs; the North Peace OCP, the Charlie Lake OCP, and the Fort St John and Area Comprehensive Development Plan (CDP), into a single, unified, updated Plan. The Commission did not endorse elements of the draft North Peace Fringe OCP that proposed additional rural residential and small agricultural subdivision areas north and west of Charlie Lake and to exclude lands in the Tea Creek area. The Commission believed adequate land is presently identified in the current planning documents to absorb growth pressures in the short to mid term.

The City of Fort St John is also involved in the planning process, as the Regional District and the City have embarked on a collaborative approach where infrastructure servicing is providing the direction and capacity for growth management.

Oil and gas exploration, production and processing continues at a high level in the Peace River and Northern Rockies Regional Districts. The Commission continues to work collaboratively with the Oil and Gas Commission and the Peace River Regional District to attempt to balance the needs of the oil and gas industry, the community and farm businesses.
The Commission believes there is good site specific management of impacts of oil and gas on the ALR landscape, however it continues to be concerned about the cumulative impact of the oil and gas industry on the agricultural land base.

PANEL OPERATIONS

North Panel



Area of Panel Region: 47,021,900 hectares
Area of ALR: 2,234,279 hectares

North Panel

PANEL STATISTICS
April 1, 2008 - March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
118	8	8	102

Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	1430.0	2.0	5.0	1423.0
Exclusion Area (hectares)	117.7	1006.6	187.1	0	819.5

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	**Endako, Fraser Lake, Fort Fraser Rural OCP** **Burns Lake Rural OCP** **Sunset Ridge-Harvest View OCP**	3
TOTAL		3

APPLICATIONS OF INTEREST

#37662 & #37710 - Prince George Airport Industrial Lands

The Commission considered an exclusion application for nine private and Crown properties totaling 688 ha adjacent to and west of Prince George Airport for a logistics park. This proposed development of an international refueling and trans-shipment facility based on airport, road and rail services co-located with industrial land uses, including air transport related maintenance services, warehousing, storage and manufacturing. In reviewing the application, the Commission noted that the availability of industrial land in other areas of Prince George would not achieve the intended purposes of the co-located logistics park. However it was very concerned about the removal of such a large area of agricultural land from the ALR. Following detail consultations with the applicants, local governments and provincial agencies, the Commission approved the application conditional upon the commensurate inclusion of agricultural land and the establishment of a fund to enhance or develop agricultural infrastructure in the region. This resulted in the inclusion of 879.5 ha of Crown land in the ALR, for a net gain of 191.5 ha, and a memorandum of understanding with the Northern Trust and City of Prince George to facilitate a fund (Prince George Airport Lands Agricultural Development Fund) based on the sale and development of industrial land in the amount of $5,000/acre which, over time, would generate an estimated 8 million dollars for agriculture in the region.

Subdivisions for Relatives in the Peace River Regional District

Applications for subdivision of ALR parcels for relatives are common in northern B.C., particularly in the Peace River Regional District. Typically parents who own and operate multiple ¼ sections as a single farm unit apply for 2-4 ha fee simple parcels for one or more adult children. This enables families to live nearby and to be available to provide part- or full-time farm labour. To meet these needs and to help ensure that farm units remain intact for agricultural purposes, as a condition of approving these types of applications, the Commission has required multiple ¼ section parcels to be consolidated by covenant(s), preventing their separate sale.

PLANNING ACTIVITIES / ISSUES OF INTEREST

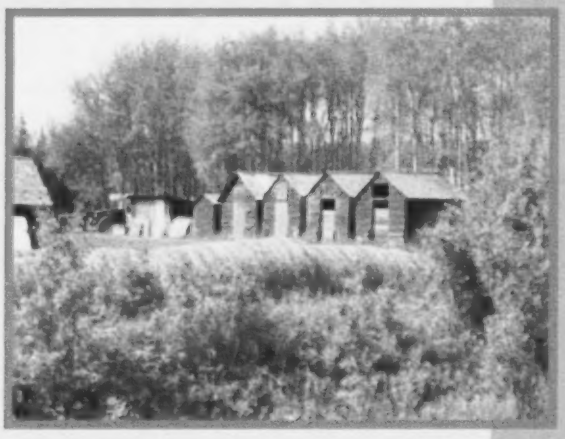
#38851-Harvest View Sustainable Neighbourhood Plan

Upon the adoption of the 2007 South Peace Comprehensive Development Plan, which identified lands in the vicinity of Dawson Creek as suitable for urban expansion, the City of Dawson Creek incorporated into its boundaries ALR lands north of the City boundary for the purpose of urban residential development. Upon receipt of applications for exclusion for this area the Commission determined to not make any decisions until the City developed a neighbourhood plan which cohesively and comprehensively addressed issues of residential affordability, efficiency, completeness, and buffering at the urban/rural edge. The Commission recalled that the City had justified the designation of ALR land for urban uses because of constraints of vacant land inventory, limited affordability of housing and liveability of the existing urban fabric.

The Commission reviewed and endorsed the Harvest View Sustainable Neighbourhood Plan noting;

- the general schematic road layout shows limited egress onto farming roads bordering the ALR,
- a mix of housing densities are proposed to help ensure that residential lands are efficiently used and to promote affordability,
- green space and parkland areas are appropriately planned to ensure additional ALR land will not be identified for parks uses,
- buffering and fencing proposed for the north and east boundaries of the neighbourhood will help limit trespass onto adjoining farmlands.

Requiring the submission of a neighbourhood plan prior to exclusion was deemed by the Commission to be appropriate because the land had very good agricultural capability, and because a key rationale for exclusion was housing affordability. The Commission was concerned that if the excluded lands were developed into only single family residential housing on uniformly large lots, then the critical and overarching goal of housing affordability would not be met. The Commission supported a mix of lot sizes, housing types and densities be provided to ensure that all incomes and households could be accommodated within the neighbourhood. Additionally the plan needed to address issues of parkland, transportation and buffering at the ALR/urban edge, to ensure that the urban development of this area was complete, accommodating all anticipated land uses, and did not negatively affect adjoining farmlands or foreshadow their conversion to urban uses.



PLANNING ACTIVITIES / ISSUES OF INTEREST

Okanagan Panel

Members:
Roger Mayer (Vice-Chair)
Gerry Zimmermann, Sid Sidhu

MESSAGE FROM THE VICE-CHAIR

The Okanagan Panel of the Commission is responsible for reviewing applications in the Regional District's of Okanagan Similkameen, Central Okanagan, North Okanagan and Columbia Shuswap (with the exception of the Columbia Valley). It traveled to the Region on six occasions between April 1, 2008 and March 31, 2009, and reviewed a total of 119 applications for exclusion (20), inclusion (10), subdivision and non farm uses (89). The Commission also met with several local government councils, including: the District of Lake Country, the District of West Kelowna, and the Town of Oliver. A significant application finalized by the Commission was the 1.5 ha Interior Health medical building site in the District of West Kelowna. This was a difficult decision for the Commission, given the high quality of the land in this application, but through discussions with Interior Health, and the District of West Kelowna, the Commission was able to develop a co-operative approach that created benefits for agriculture, to offset the loss to the agricultural land base.

The Town of Oliver concluded its Growth Strategy in 2008. The Strategy undertook a land use needs analysis which indicated that 75 ha would be required to accommodate residential, commercial and industrial growth for the next thirty-five years. Most of the urban expansion lands were located in the Agricultural Land Reserve because Oliver is constrained on the north and south by cultivated ALR land, on the east by a First Nations Reserve, and on the west by mountainous Crown land. The Commission, following discussions with Oliver Council indicated that it was unprepared to endorse certain elements of the Growth Strategy, but agreed to consider, under specific conditions, a select ALR area lying north of the Town and east of Highway #97 for highway commercial uses. The Commission also endorsed the expansion of the Town's industrial land base to the south east of the community. The Commission however did not support the expansion of residential uses onto ALR land, and instead encouraged the Town to consider potential non ALR "hillside" options, to the west, and north west, or redevelopment of existing urban areas to higher densities. Some regional growth pressures are also anticipated to be absorbed on First Nations land to the east.

The Commission has also encouraged regional and municipal governments to focus more resources on regional growth strategies, and planning processes that look at the entire land base within the region for future residential expansion, in an effort to minimize the impact of urban development on the agricultural land base.

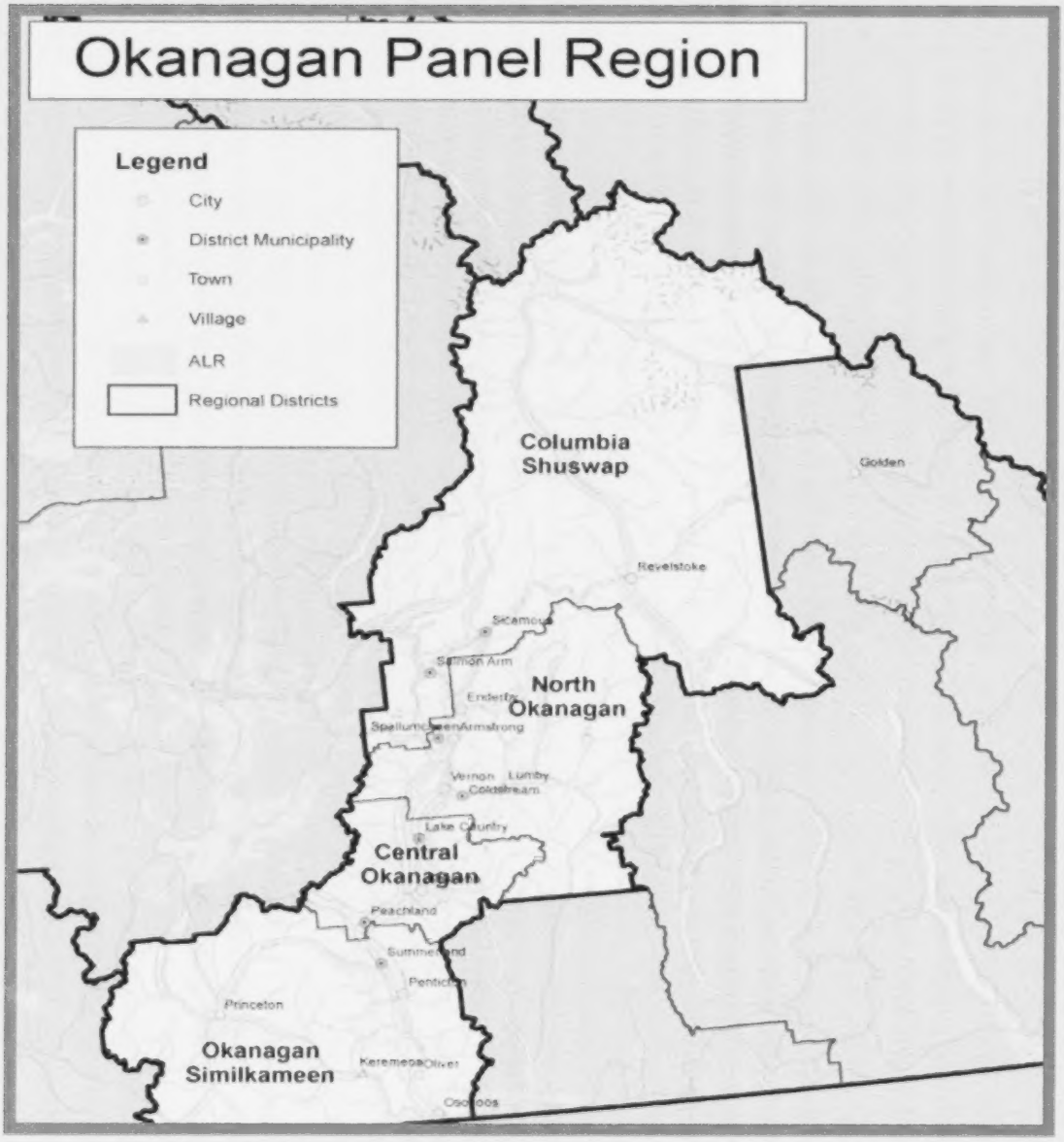
The Commission expressed concern to Parks Canada regarding the possible alienation of more than 5000 hectares of ALR land - about 1.5% of British Columbia's Crown grazing land within a proposed National Park. The Commission is very concerned about a potential loss to the agricultural industry.

Other local government planning exercises that were completed in 2008 include the District of Sicamous OCP, the City of Vernon OCP, and the North Shuswap (Electoral Area F) OCP.

The agricultural industry in the Okanagan/ Shuswap continues to require a protected agricultural land base to build on the success of the diversified agricultural operations including the ranching, tree fruit and grape/winery industries which contribute substantially to the economic health of the region. The Commission looks forward to working with the local governments and applicants to ensure this valuable agricultural land base is protected for future generations and to ensure there is a safe, secure and sustainable land base for food production for future generations.

PANEL OPERATIONS

Okanagan Panel



Area of Panel Region: 4,408,800 hectares
Area of ALR: 225,976 hectares

Okanagan Panel

PANEL STATISTICS
April 1, 2008 - March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
111	23	11	77

Area Included and Excluded and Agriculture Capability

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	60.3	13.9	0	46.4
Exclusion Area (hectares)	63.7	54.1	4.8	7.4	41.9

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	City of Kelowna OCP (2) District of West Kelowna OCP North Shuswap Electoral Area OCP District of Sicamous OCP Vernon OCP Town of Princeton OCP	7
Transportation Plans	Highway 97 (Winfield to Oyama)	1
Misc. Studies Projects	Lake Country Community Agricultural Plan Lake Country Liquid Waste Plan	2
TOTAL		**10**

Okanagan Panel

APPLICATIONS OF INTEREST

#38500-Danco Developments Ltd.

The Commission refused the exclusion of 2 ha adjacent to high density residential uses on KLO Road. KLO Road is a busy arterial road characterized by a mix of agricultural and non farm uses. Most of the non farm uses predate the ALR. The KLO /Benvoulin Road area is under heavy pressure for conversion to urban uses, in part because of the importance of the roads and the heavy traffic they receive, but also because the land uses fronting the road are broadly mixed. The Commission noted that portions of the 2 ha property under application had challenges for agricultural development due to previous landfilling, but also believed that the majority of the property had good agricultural potential. Perhaps more importantly by its refusal to amend the ALR boundary the Commission signalled its commitment to protecting agricultural land on busy arterial corridors in Kelowna.

#37395-The Benvoulin Golf Training Centre Ltd.

The Commission reconsidered and reconfirmed its decision to refuse a golf course on 6.4 ha portion of an 8 ha property. The applicant had offered to develop a 1.6 ha nursery on the remainder. The proposed 9 hole golf course would have complemented an existing driving range located adjacent to Benvoulin Road. The Commission refused the application for golf course uses because the land had very good capability for agricultural development, and because of the intense urbanizing pressure on properties located adjacent to Benvoulin Rd. The Commission has consistently refused applications in recent years to convert high capability farmlands to urban uses on Benvoulin Rd.

PLANNING ACTIVITIES / ISSUES OF INTEREST

#37228-Oliver Growth Boundary Study

The Commission worked co-operatively with the Town of Oliver to identify lands appropriate for urban expansion beginning in 2007 and culminating in the Commission's December 2008 comments and direction on the finalized Growth Boundary Study. In summary, the Commission did not endorse the 75 ha identified for urban development by the Town of Oliver (commercial, residential, industrial) but was prepared to conditionally endorse the designation of select ALR areas for commercial (10 ha) and industrial (10) development, recognizing that the Town believed the employment lands were critical to community prosperity and that the 10 ha area had limited long term suitability for agriculture as it was locationally constrained by transportation infrastructure (particularly commercial uses). However, the Commission was not prepared to endorse the designation of ALR lands for residential development, believing there to be alternate options for accommodating residential growth pressures in the Oliver region; specifically densification of the existing urbanized area and non ALR hillside areas.

The Commission believed that the balanced direction provided to the Town was supportive of the Town's desire to ensure that an appropriate inventory of commercial and industrial land was maintained, while at the same time reflecting its legislated responsibility of farmland preservation.

South Coast Panel

Members:
Sylvia Pranger (Vice-Chair),
Michael Bose, John Tomlinson

MESSAGE FROM THE VICE-CHAIR

For several years the South Coast Panel has been concerned with combating the unauthorized placement of excavation material, construction debris and other rubbish on land in the ALR. The Panel has worked with local governments and the private sector to find sites where such material can be disposed safely, with full agricultural rehabilitation if a site is in the ALR. In mid-2008, the Commission considered an application from Lafarge Canada Inc., with a proposal to use soil backfill to reclaim a Class 7 non-ALR area of historic aggregate extraction to a Class 1 agricultural standard and include that land into the ALR for agricultural production. In return, Lafarge would extract gravel from adjoining agricultural lands and then rehabilitate them to a higher agricultural standard than currently exists. The proposal was supported by detailed reports from an internationally recognized hydrologist and from an agrologist competent in soil rehabilitation. The Panel gave the application a conditional approval, recognizing also that it will receive close scrutiny from the City of Abbotsford and a number of agencies, especially in view of the fact the south boundary of the total area proposed for gravel extraction is 18 m from the international boundary above a cross-border aquifer. If all necessary approvals are achieved, the Panel believes that the project will actively assist in preserving agricultural land, and that at the end of the project the overall site will provide more agricultural opportunities than currently exist.

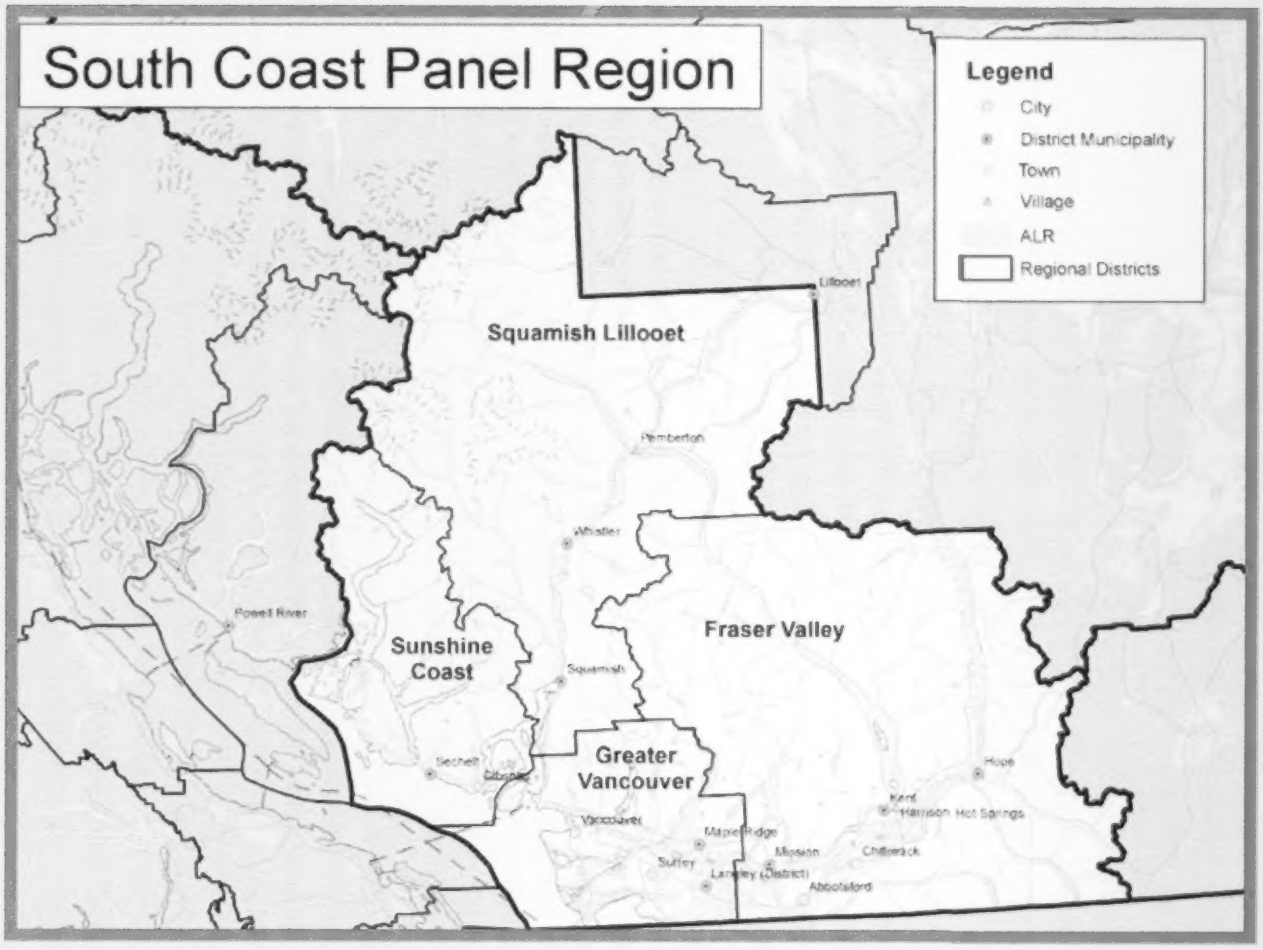
During the past year the Commission reached a conclusion on the South Fraser Perimeter Road. The road itself will occupy approximately 90 ha of land within the ALR, but following a process of ongoing dialogue with The Gateway Program and various levels of government it was decided that the road project will be accompanied by an irrigation and drainage program. That program will substantially increase overall agricultural productivity levels in Delta, not only through provision of better infrastructure but more importantly by making it possible to reduce the high level of salinity found in many of Delta's soils. This approval also has province-wide implications as elaborated under Applications of Interest, on page 34.

For its consideration of Richmond's application to exclude Garden City lands from the ALR, the Panel was augmented to include three additional members: Commission Chair and one Commissioner each from the Island and Okanagan panels. In addition to reviewing the material submitted with the City's application, the Panel examined relevant parts of Richmond's Agricultural Viability Strategy (AVS) and expressed concerns regarding the lack of information associated with the provisions of the AVS. Following discussions based on the Panel's concerns, Richmond Council received a supplemental report from its staff but decided not to comment further. The application was subsequently refused as submitted and the Garden City lands remain in the ALR.

In addition to the foregoing matters, the Panel continued to visit applicants and local governments from Sechelt to the upper Fraser Valley and north to the Pemberton Valley. The Panel believes that its ability to go on site is of value to the decision-making process.

PANEL OPERATIONS

South Coast Panel



Area of Panel Region: 3,591,500 hectares
Area of ALR: 148,305 hectares

South Coast Panel

PANEL STATISTICS
April 1, 2008 - March 31, 2009

Number of Applications Received by Type

# OF APPLICATIONS	EXCLUSIONS	INCLUSIONS	NON-FARM USE & SUBDIVISION
144	11	4	129

Panel Decisions

	REFUSED	APPROVED	AGRICULTURE CAPABILITY OF APPROVED		
			Prime	Mixed	Secondary
Inclusion Area (hectares)	0	10.1	0.4	9.7	0
Exclusion Area (hectares)	74.5	30.3	22.3	6.7	1.3

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Mission OCP Hatzic Prairie-McConnell Creek OCP Fraser Valley RD Electoral Area "G" OCP Kent Agricultural Plan Maple Ridge Agricultural Area District of Lillooet OCP Squamish Lillooet RD Electoral Area B OCP Pemberton Valley Agricultural Area Plan West Howe Sound OCP Roberts Creek OCP	10
Regional Growth Strategies	Sunshine Coast Regional Growth Strategy	1
Boundary Adjustments - changes in local government boundary	Village of Pemberton Extension	1
Implementing Bylaws	Gibson Zoning Bylaw	1
TOTAL		**13**

APPLICATIONS OF INTEREST

#38321-South Fraser Perimeter Road

The facility is shown schematically in Metro Vancouver's 1996 Livable Region Strategic Plan. It is intended to distribute car and truck traffic between major elements of the Pacific Gateway south of the Fraser River. It links the Tsawwassen Ferry Terminal, the Deltaport container terminal, and industrial and port complexes along the Fraser River from Tilbury to Port Kells, with direct connections to the Golden Ears Bridge and the Pacific Highway truck route to the international boundary.

The specific proposal followed several years of planning and federal-provincial environmental assessment, including advice by the South Coast panel in 2006 directing the proponents that

1) adequate mitigation must be provided in response to farm development or operational problems arising from the construction or operation of the SFPR through the farm area, and

2) the proposed alienation of significant areas of prime farmland must be mitigated by a substantial enhancement to agriculture in the region of the SFPR.

As submitted to the Commission in July 2008, the application proposed a route paralleling the Roberts Bank rail corridor as far as the Boundary Bay Airport, then passing west of Burns Bog before leaving the ALR north of Burns Bog. A connector route to Highway 91 would pass through the ALR near the northeast corner of Burns Bog. The total loss of farmland was measured at approximately 90 ha.

In response to the 2006 direction, the submission proposed mitigation for directly affected farms and a substantial enhancement to agriculture in the form of an irrigation and drainage project to benefit most of Delta's farmland. Agricultural capability is limited by salinity throughout much of Delta. Irrigation from the Fraser River can assist with crop production provided the intake is carefully located, and the proposed drainage component will help flush out salinity over time. Over the long term, the Commission believed that this project had the potential to achieve a major improvement in Delta's agricultural productivity, recouping the loss of 90 ha of prime farmland many times over.

The panel met with the directly affected farmers and separately with Delta's wider farm community before giving the application conditional approval. The conditions go beyond ensuring that the offered mitigation is carried out effectively; it also required a memorandum of understanding with the Ministry of Transportation and Infrastructure (MoTI) concerning implementation of the terms and conditions and as well, a commitment that throughout the Province the Ministry will apply similar standards to its highway design, construction and maintenance in the ALR, will require its contractors to avoid the unlawful removal of soil or deposit of fill on agricultural lands, and will identify areas in the ALR that are or have been subject to sand and gravel extraction or the deposit of materials associated with Provincial highway construction and maintenance and take responsibility for reclaiming these lands to agriculturally productive soil conditions.

South Coast Panel

PLANNING ACTIVITIES / ISSUES OF INTEREST

The following selected example illustrates how the integration and coordination of interests regarding land use planning and resource management require ongoing dialogue and collaboration between local governments and the Agricultural Land Commission.

In June 2008, the South Coast Panel concluded its review of the District of Mission Official Community Plan (OCP). Section 46 of the Agricultural Land Commission Act (ALC Act) provides that every OCP must be consistent with the ALC Act, the regulations and the orders of the Commission; otherwise an inconsistent provision is of no force or effect. Very often, the Commission's review of an OCP discovers some inconsistency, at which point the Commission may ask that the inconsistency be remedied or may pass an order which either requires some change in the provision or accepts the provision as being reasonable, thereby rendering the OCP consistent with an order of the Commission. In the case of the 2008 Mission OCP, the Commission found that no order was required, as the OCP was already consistent with the ALC Act, the regulations and the orders of the Commission.
Given the following background, Mission's consistent 2008 OCP is commendable.

- In 1999, the Commission reviewed a draft Lower Mainland employment study and advised the study sponsors that, given the Commission's statutory mandate to preserve agricultural land and encourage farming, it cannot support a planning process (regional or municipal) which seeks to convert ALR land to urban uses including land for future industrial/ business parks.
- In 2001, the Commission met with the Fraser Valley Regional Board, resulting in an agreement to plan for stable ALR boundaries through the regional growth strategy process.
- In 2003, the Fraser Valley Regional Board gave first reading to its regional growth strategy, which included a projection of industrial lands needs in Abbotsford, Chilliwack and Mission and showed areas of ALR land which each municipality had requested as employment lands.
- In 2004, the Fraser Valley Regional Board adopted its regional growth strategy with the clarification that where urban growth boundaries extend into the ALR without Commission agreement, they are for the purpose of discussion or negotiation with the Commission and should not be used for land development decisions.
- Also in 2004, Mission held a public information meeting and met with the Commission on a planning proposal aimed at excluding the lands it had identified in conjunction with inclusion of other lands into the ALR.
- In 2005, following further discussion with Mission Council, the Commission advised Mission that the Commission would not be prepared to exclude the lands identified in the regional growth strategy but if further industrial land studies demonstrate that other ALR lands must be reviewed, the Commission would be prepared to have its staff assist Mission in development of a more acceptable proposal.
- In June 2008, the Commission reviewed the finalized OCP and found that it did not propose non-farm use of ALR lands except for minor road encroachments already approved through previous planning reviews.

Compliance & Enforcement

Summary of work past year

In the past year the compliance and enforcement team have worked to build relationships with local governments and stakeholders.

The team has held joint operations involving local governments, Fisheries and Oceans Canada and other provincial ministries. It has held two further meetings in the lower mainland and met with local government and the Agricultural Advisory Committee in Kelowna. Plans are in the works for similar meetings on Vancouver Island and in the north.

During this past year the teams' direction was compliance driven and has achieved a large measure of success in bringing issues into compliance with the Act.

STATISTICS

Activities of the Compliance & Enforcement team from April 2008 to March 2009:

Inquiries	Site Inspections	Voluntary Correction of Non-compliance	Warnings issued	Enforcement Actions initiated	Stop Work Orders issued	Ongoing investigations
365	237	37	90	16	22	109

Compliance & Enforcement

CASES OF INTEREST

#40-38234
Illegal Filling: General debris, Truck Parking, Diesel Truck Repair Facility. (Abbotsford)
Resolution: Enforcement action started.

#40-38262
Illegal Filling: Truck Parking, Oil and gas equipment storage. (Peace River Region)
Resolution: Enforcement action started.

#40-38517
Illegal Filling: Authorized fill project which has been overfilled by property owner with inappropriate material. (Vancouver Island)
Resolution: Enforcement action started.

APPLICATION RECONSIDERATION BYLAW

Authority to create bylaws:

Pursuant to section 9 of the Agricultural Land Commission Act, SBC 2002, Chapter 36 the Commission may pass resolutions and bylaws it considers necessary or advisable for the management and conduct of its affairs, the exercise of its powers and the performance of its duties and functions.

Background

Section 33 of the Act specifies the criteria on which the Commission may reconsider its decisions. On the written request of a person affected or on the Commission's own initiative it may reconsider a decision and may confirm, reverse or vary the decision if it determines that:

(a) evidence not available at the time of the original decision has become available,
(b) all or part of the original decision was based on evidence that was in error or was false, or
(c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The purpose of section 33 is to provide for the Commission with the opportunity to revisit a decision if it is fundamentally flawed due to the consideration of incorrect information or if new evidence is submitted. Section 33 is not intended to provide an applicant, a person affected or the Commission itself, with an opportunity to periodically revisit the decisions in perpetuity. It is the Commission's view that a revised proposal does not constitute new evidence.

The legislation makes no reference to a time limit frame for submitting a request for reconsideration. The Commission was concerned that without a reasonable time limit applications could stay active for many years. The Commission believes that a request for reconsideration should be made based on the available facts and in a timely manner so the facts remain relevant.

On June 23, 2008 the Commission adopted a bylaw with respect to reconsiderations which provides the following clarification:

1. Regional Panels will review and decide upon all reconsideration requests;
2. Revised proposals will not constitute new evidence;
3. Reconsideration requests must be submitted no later than one (1) year from the date of the letter communicating the Commission's decision;
4. That applicants be advised of the time limit for reconsideration when the Commission communicates decisions that have not been approved as proposed;
5. That if an applicant sells the property that was the subject of a decision within one (1) year of the decision, the new owner(s) cannot submit a request for reconsideration; and
6. Only decisions made on or after January 1, 2006 may be the subject of a request for reconsideration.

Planning & Operation Policy

MAJOR INFRASTRUCTURE PROJECTS AND APPLICATIONS

Throughout its 35 years of operation the Commission has been regularly faced with making decisions on development projects and proposals that involve requests to build major local , regional and provincial infrastructure on ALR land. Some examples include highway or utility corridors, health and educational facilities, parks and recreation facilities. Other types of infrastructure include regional airport-related developments, port development, industrial developments (agriculture, mining, forestry, oil & gas) and energy exploration, production and conveyancing.

It is important that the Commission be involved early in the review of infrastructure projects that impact the ALR. Early involvement provides an opportunity to inform the process associated with such proposals as to the provincial interests with respect to the ALR and ALC legislation and procedural requirements. Early involvement will also allow the Commission to outline its information requirements and to highlight any questions or concerns that will need to be addressed in an application or identify alternatives to be examined.

Major infrastructure projects the Commission was involved with over the past year include South Fraser Perimeter Road, Vancouver Port Authority expansion, Site C Technical Advisory Committee, Golden Ears Bridge.

ANAEROBIC DIGESTERS IN THE ALR

Anaerobic digesters are currently not identified as a farm use or a permitted use in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002). An application for non-farm use and approval of the Commission under the *Agricultural Land Commission Act* is required. For anaerobic digestion and associated energy production to be recognized as a farm use.

Anaerobic digesters are a relatively new form of energy production in BC that have been associated with farm operations in Europe and parts of the USA. The Commission has had limited involvement with this land use and will gain experience through the review of applications.

It appears that where the use is for the specific benefit of the farm and directly related to agricultural waste management and energy production for farm use and/or supplementary income, that the impact may be limited. Structures can be sited on or near farm home plates with limited impact to other agricultural lands. Where a proposal is dependent on a majority of non-agricultural waste inputs and is strictly focused on a commercial business (non-farm related) the Commission views the activity as being more appropriate for development on non-ALR land as compared to an activity that is beneficial to and commensurate with the needs of a farm operation.

There are some concerns related to nutrient overloading from digestate (post anaerobic digestion residue)spreading on ALR lands. The Commission recognizes that the Ministry of Environment, the Ministry of Agriculture and Lands, and local governments, have a role to play in dealing with land use and other related potential environmental impacts. Discussion in this regard continues.

Two anaerobic digester applications were considered and conditionally approved by the Commission during the past year.

MAJOR INFRASTRUCTURE PROJECTS AND APPLICATIONS

ANAEROBIC DIGESTERS

TEMPORARY FARM WORKER HOUSING

Commission staff provided input into the Ministry of Agriculture and Land's development of a discussion paper that outlines criteria that can be used by local governments as a guideline to regulate Temporary Farm Worker Housing (TFWH) in the ALR. The document "Regulating Temporary Farm Worker Housing Within the ALR: Discussion Paper and Guidelines" received approval from the BC Minister of Agriculture and Lands and will be added to The Guide to Bylaw Development in Farming Areas.

Section 18(a) of the *Agricultural Land Commission Act* enables local governments to approve additional residences needed for farm use.

The purpose and goal of the guideline is to meet the agriculture industry's need for temporary migrant farm worker housing in a manner that minimizes the impact on agricultural land and addresses local government concerns. The guideline attempts to minimize the residential impact on farm areas; minimize loss and/or fragmentation of farmland and minimize the risk that temporary housing will be used for non-farm purposes.

TFWH has emerged as an issue in BC due to the growing demand for temporary migrant farm workers, particularly in the South Coast and Okanagan Valley regions. A general shortage of labour may be due in part to waning farm family succession and an aging farm labour population. As a result, an increasing number of farmers are employing temporary migrant labour. The federal migrant worker programs referred to as the Seasonal Agriculture Worker Program (SAWP) and the Occupations Requiring Lower Levels of Formal Training program (ORLLFT), formerly known as the Low Skill Pilot Program, allow for the temporary entry of foreign agricultural workers. As part of the program requirements under SAWP, farmers must provide housing for the workers. ORLLFT requirements differ in that farmers do not have to provide housing, but they must find the workers suitable and affordable accommodation.

This guideline focuses on addressing the housing needs of farms intent on employing migrant farm workers enrolled in a federal program; criteria has been developed to deal with the land use planning component of this issue. Although only on-farm temporary farm worker housing is discussed in the scope of this paper, alternative options for housing temporary workers are identified. In the future, criteria will be developed for TFWH for domestic temporary farm workers or temporary farm workers not enrolled in a federal program. In the interim, local governments may wish to use these guidelines as a starting point for domestic farm worker housing.

TEMPORARY FARM WORKER HOUSING

OIL AND GAS COMMISSION DELEGATION AGREEMENT AUDIT BY INDEPENDENT AUDITOR

OGC/ALC DELEGATION AGREEMENT

The Oil and Gas Commission/ALC Delegation Agreement, enables the OGC to decide certain applications for oil and gas activities and pipelines on ALR lands, and to exempt specific oil and gas activities and pipelines on ALR lands from the requirement of an application under the *Agricultural Land Commission Act* (the Act), provided specified conditions are met.

Audit Report Summary:

In February 2009, an independent auditor, the Forest Practices Board of BC submitted their findings to the ALC. The report titled "Oil and Gas Activities within the Agricultural Land Reserve: An Audit of the BC Oil and Gas Commission's Performance in Carrying out its Delegated Authority to Decide on Oil and Gas Non-Farm Use Activities and ALC Act Applications within the Agricultural Land Reserve" provided an independent assessment of the OGC's performance in carrying out its responsibilities, as set out in the Delegation Agreement, to make decisions that respect the purpose and intent of the Act. The audit examined OGC approvals and related activities in the Peace River Regional District (PRRD) occurring in fiscal 2006 and 2007 – April 1, 2006 through March 31, 2008.

The audit examined a sample of the applications for oil and gas activities and pipelines made to the OGC, (271 of 1,613) to assess whether the administrative conditions of the Delegation Agreement were met. The audit also field-reviewed a sample of well sites, facilities and pipelines (234 of 1,513) to assess whether the sites could potentially be permanently and completely reclaimed to an agricultural standard. For wells and facilities, the field review also assessed whether cumulative impacts were within specified limits for a quarter section (65 hectare) parcel of land; and whether the activity created physical restrictions to farming. For reclaimed well sites, facility sites, and pipelines, the audit assessed whether reclamation efforts met specifications set out in the Delegation Agreement and reclamation plans for reestablishing soils, surface grooming and contours, and revegetation.

The audit found that, with one exception, the planning and field activities approved or exempted from application under the Act by the OGS conformed, in all significant respects, with the requirements of Sections 2, 6 and 7 of the OGC/ALC Delegation Agreement, April 1, 2007, as of October 2008. The exception was a finding of significant non-conformance related to the timeliness of confirmation of pipeline reclamation. OGC does not track the timing of pipeline reclamation. Although most pipelines audited appeared to be reclaimed shortly after installation, the lack of a timely Schedule B submission creates uncertainty as to whether pipelines are being promptly and properly reclaimed as specified under the Delegation Agreement.

The field review found that well sites, facility sites and pipelines were mostly developed in a way that would allow for complete reclamation of the site. Cumulative impacts from well and facility sites were within the specified limits for quarter section parcels, and physical restrictions to farming beyond the well lease site and access roads were rare.

OIL AND GAS COMMISSION DELEGATION AGREEMENT AUDIT BY INDEPENDENT AUDITOR

continued

OGC / ALC DELEGATION AGREEMENT

Also, reclaimed old well sites and pipelines were often difficult to distinguish from the surrounding farmland, which is the ultimate goal of site reclamation on ALR land. Although the majority of work was well done, the audit did note that soil was not adequately stripped or stored on some sites.

Under the Delegation Agreement, the total building and structure area (footprint) is used to indicate the risk of facilities to agricultural capacity and determine the appropriate application process (450 sq ft built area as per Peace River Regional District zoning). However, the footprint does not provide a meaningful indicator of potential impact, and current processes do not accurately assess the footprint area.

The Auditor of Record recommended that:

1. The OGC develop a process to track whether owners of pipelines are reclaiming the disturbed areas and submitting a Schedule B report within 24 months as required under the Delegation Agreement.
2. The OGC and ALC consider developing best management practices to guide operators in the stripping and stockpiling of soil for well sites, facility sites, and associated roads.
3. The OGC and ALC review their processes for assessing proposals for facilities associated with oil and gas development.

This well site has been 'tear dropped', enabling farming to continue.
Note access is along the field edge to minimize disruption to cultivation.

Planning & Operation Policy

DELEGATION OF DECISION-MAKING: LOCAL GOVERNMENTS AND OTHER AUTHORITIES

Delegation is the authorization by the Commission to a local government or other authority to act on its behalf to make use and subdivision decisions in the ALR under section 26 of the *Agricultural Land Commission Act*.

Delegation Agreements In Place:

1. **Fraser Fort George Regional District**
   - Covers seven Electoral Areas which have Official Community Plans (OCP) that were reviewed and approved by the Commission. The original agreement has been in place since January 2001 and subsequently amended as new OCPs are approved by the North Panel.
   - During the year the North Panel reviewed decisions made by the Regional District in terms of the delegation agreement. In 2008/09 the Regional District made 20 decisions under the delegated decision-making authority.

2. **Regional District of East Kootenay**
   - Wasa-Ta Ta Creek-Skookumchuk-Sheep Creek area Land Use Bylaw. Agreement in place since 2003 and renewed on November 1, 2006 for an indefinite term.
   - In fiscal 2008/09 the Regional District made 1 decision under the delegation agreement.

3. **Oil and Gas Commission**
   - The delegation agreement with the Oil and Gas Commission (OGC) has been in place since April 2004. The agreement delegates decision-making ability regarding specified oil and gas related non farm use proposals within the Peace River and Northern Rockies Regional Districts.
   - In 2008/09 a total of 668 oil and gas activities on ALR lands were exempted from making an application based on reporting and reclamation conditions.
   - The OGC received 75 Schedule "B" reclamation reports where ALR lands were no longer needed for oil and gas use.
   - The OGC Commissioner decided 7 applications.

Planning & Operation Policy

GOVERNANCE POLICY AMENDMENT

GOVERNANCE POLICY AMENDMENT

Part III, Section C of the Governance Policy with regard to Standards for Conduct of Commissioners was amended in early 2009. The intent of the amendment was to provide clearer direction to Commissioners so as to avoid an apprehension of bias or perceived or actual conflict of interest. In particular, the amendment clarifies that a Commissioner must not participate in site inspections, deliberations or decisions related to an application involving property sharing a common boundary or involving adjacent property separated by a public road right of way with a property in which a Commissioner, a member of the Commissioner's family or a business associate of the Commissioner has an interest in or owns. Nor would the Commissioner act if a notice was received in connection with an exclusion application. If there is any doubt that a potential apprehension of bias or conflict of interest may exist, the member must consult with the Chair.

POLL OF PUBLIC OPINIONS TOWARD AGRICULTURE, FOOD AND AGRI-FOOD PRODUCTION IN BC BY IPSOS REID PUBLIC AFFAIRS FOR INVESTMENT AGRICULTURE FOUNDATION OF BC

IPSOS REID SURVEY

December 12, 2008

The purpose of the poll was to "gauge public awareness and opinions about issues facing the agriculture, food and agri-food production industries in BC" and compare the findings to a poll carried out in 2004. While many questions pertaining to agriculture, farming and processing were part of the survey, the Commission was most interested in the results that relate directly to the ALR and suggest continued widespread support for the farmland preservation program.

According to the recent poll British Columbians indicated they didn't know a lot about the ALR program, however they support the concept of preserving farm land. The vast majority of those surveyed (95%) said they support the ALR and the policy of preserving farm land. And 52% said they "strongly support" this concept.

The study goes on to summarize the responses to a series of three statements about the ALC and the relationship between farming and surrounding communities. The report states "Nearly all British Columbians think it is okay to limit development in order to protect agricultural land". Ninety-five percent of residents say they agree 'the government should limit urban development in farm areas to protect farmers and agricultural land,' including half (49%) who strongly agree with this statement.

ALR Statistics Summary

CUMULATIVE PANEL STATISTICS
APR 1, 2008-MAR 31, 2009

Number of Applications Received by Type

PANEL REGION	INCLUSION	EXCLUSION	SUBDIVISION & NON-FARM USE	TOTAL
Interior	5	8	56	69
Island	4	10	54	68
Kootenay	2	13	76	91
North	8	8	102	118
Okanagan	10	23	77	110
South Coast	4	11	127	142
TOTAL	**33**	**73**	**492**	**598**

Plans and Bylaws By Panel Region

	INTERIOR	ISLAND	KOOTENAY	NORTH	OKANAGAN	SOUTH COAST
Official Community Plans	6	3	5	3	7	10
Regional Growth Strategies		1				1
Implementing Bylaws	2					1
Transportation Plans					1	
Utility and Energy Projects	1					
Boundary Adjustments						1
Misc. Studies					2	
Conservation Covenants	2					
TOTAL	**11**	**4**	**5**	**3**	**10**	**13**

ALR Statistics Summary

Area Included and Excluded and Net Change (Hectares)

PANEL REGION	INCLUSION		EXCLUSION		NET CHANGE
	Approved	Refused	Approved	Refused	
Interior	189.1	0	80.2	253.1	+108.9
Island	9.7	0	11.4	11.4	-1.7
Kootenay	68.6	0	45.6	103.1	+23.0
North	1430.0	0	1006.6	117.7	+423.4
Okanagan	60.3	0	54.1	63.7	+6.2
South Coast	10.1	0	30.3	74.5	-20.2
TOTAL	**1767.8**	**0**	**1228.2**	**626.5**	**+539.6**

Agriculture Capability of Area Included (Hectares)

PANEL REGION	AREA INCLUDED	AGRICULTURE CAPABILITY		
		Prime	Mixed	Secondary
Interior	189.1	0	0	189.1
Island	9.7	0	8.5	1.2
Kootenay	68.6	0	3.6	65.0
North	1430	2	5	1423
Okanagan	60.3	13.9	0	46.4
South Coast	10.1	0.4	9.7	0
TOTAL	**1767.8**	**16.3**	**26.8**	**1724.7**

Agriculture Capability of Area Excluded (Hectares)

PANEL REGION	AREA EXCLUDED	AGRICULTURE CAPABILITY		
		Prime	Mixed	Secondary
Interior	80.2	30.5	12	37.7
Island	11.4	2.9	8.5	0
Kootenay	45.6	19	9.5	17.1
North	1006.6	187.1	0	819.5
Okanagan	54.1	4.8	7.4	41.9
South Coast	30.3	22.3	6.7	1.3
TOTAL	**1228.2**	**266.6**	**44.1**	**917.5**

Number of Applications Received Past Five Years

Year	2004/05	2005/06	2006/07	2007/08	2008/09
Number of Applications Received	544	560	603	666	598

ALR Statistics Summary

TABLE 1. AREA INCLUDED AND EXCLUDED FROM THE ALR, BY YEAR

TYPE	INCLUSIONS		EXCLUSIONS		TOTAL INCLUSIONS	TOTAL EXCLUSIONS	NET FIGURE	ALR AREA at Year End
YEAR	Gov't	Land Owner	Gov't	Land Owner			Gain/Loss	
1974	0	0	240	379	0	619	-619	4,715,897
1975	26	2,535	1,832	1,366	2,561	3,198	-637	4,715,259
1976	479	38	1,377	981	517	2,358	-1,841	4,713,418
1977	4,207	93	16,271	2,653	4,300	18,925	-14,625	4,698,793
1978	18,950	191	8,544	1,992	19,141	10,537	8,604	4,707,398
1979	2,936	315	7,258	2,495	3,252	9,753	-6,502	4,700,896
1980	125	117	4,363	1,768	242	6,132	-5,889	4,695,007
1981	1,008	267	12,976	3,491	1,275	16,467	-15,192	4,679,815
1982	3,555	79	3,834	2,378	3,634	6,212	-2,578	4,677,237
1983	148	6,085	2,933	1,311	6,233	4,244	1,989	4,679,226
1984	425	7,120	2,387	2,660	7,545	5,047	2,498	4,681,724
1985	2,875	16,566	8,225	1,003	19,440	9,227	10,213	4,691,937
1986	1,648	159	3,158	1,505	1,807	4,663	-2,856	4,689,081
1987	1,400	3,751	2,160	709	5,152	2,868	2,283	4,691,364
1988	0	6,714	712	526	6,714	1,238	5,476	4,696,840
1989	0	947	274	906	947	1,180	-233	4,696,607
1990	806	9,996	1,062	1,133	10,802	2,195	8,607	4,705,214
1991	768	0	1,432	643	768	2,075	-1,306	4,703,908
1992	0	3	42	1,039	3	1,081	-1,078	4,702,830
1993	37	5,806	14	809	5,843	823	5,020	4,707,850
1994	86	2,791	1,015	628	2,877	1,642	1,235	4,709,085
1995	0	1,095	373	798	1,095	1,171	-75	4,709,010
1996	23	1,845	1,168	406	1,868	1,574	294	4,709,304
1997	24	846	4,534	718	869	5,252	-4,383	4,704,922
1998	97	581	2,298	649	678	2,947	-2,269	4,702,652
1999	974	987	1,324	541	1,961	1,864	97	4,702,749
2000	21,801	1,418	5,150	647	23,219	5,797	17,422	4,720,172
2001	0	973	73	480	973	553	420	4,720,592
2002	0	41,792	42	1,474	41,792	1,516	40,276	4,760,867
2003	0	428	11	735	428	746	-318	4,760,549
2004	0	1,559	228	1,269	1,559	1,497	62	4,760,611
2005	0	1,670	873	1,334	1,670	2,207	-537	4,760,074
2006	0	977	3	546	977	548	429	4,760,503
2007	0	1,268	397	1,045	1,268	1,442	-174	4,760,329
2008	0	833	58	1,403	833	1,461	-628	4,759,702
1st Q 2009	0	1,022	0	21	1,022	21	1,001	4,760,703
TOTAL	62,397	120,866	96,639	42,437	183,263	139,076	44,187	4,760,703

ALR Area at Designation: 4,716,516 Hectares

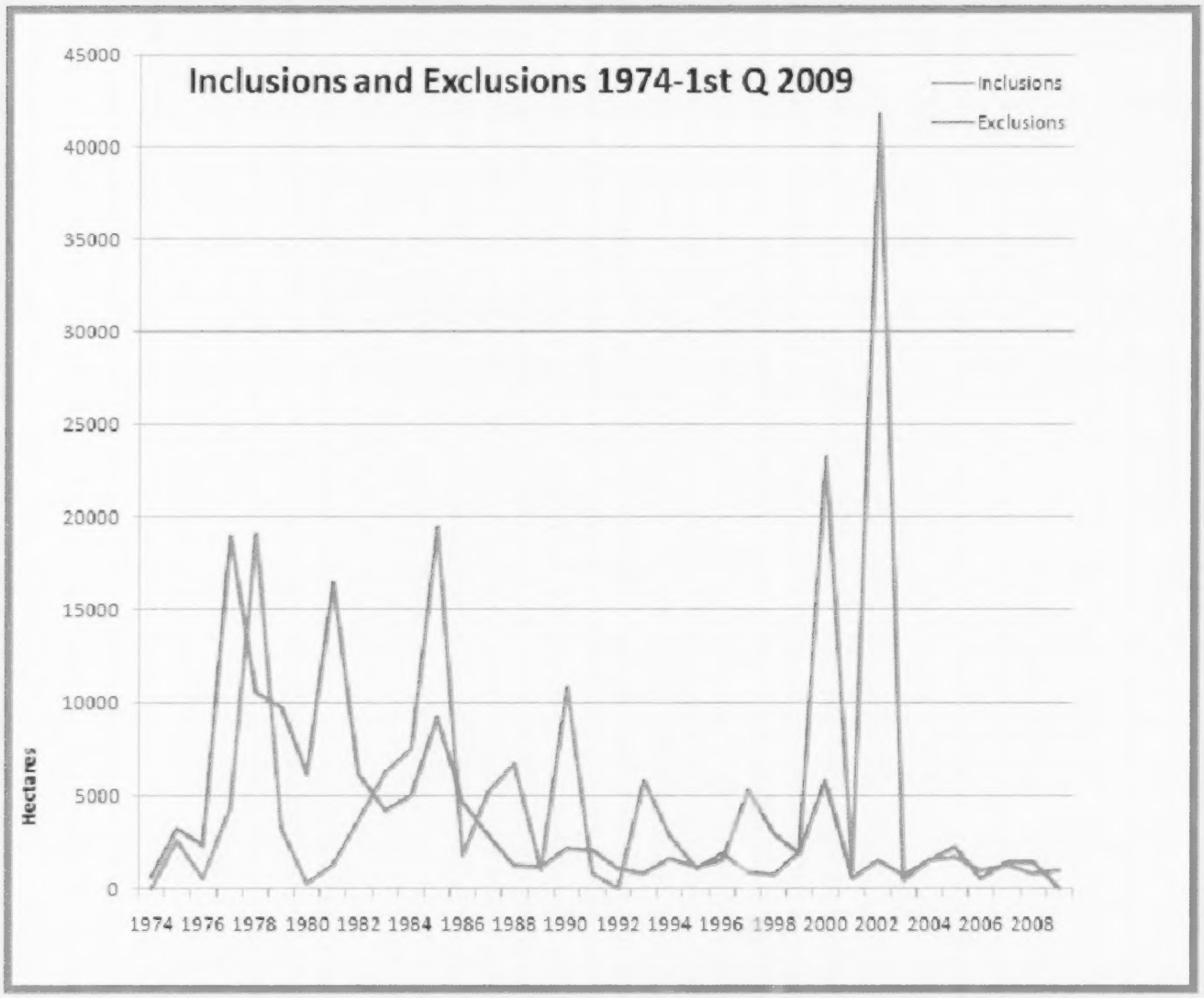
ALR Statistics Summary

TABLE 2. **AREA INCLUDED AND EXCLUDED FROM THE ALR, BY REGIONAL DISTRICT***
for the period from 1974 to March 31, 2009

REGIONAL DISTRICT	AREA AT DESIGNATION	INCLUSIONS	EXCLUSIONS BY APPLICATION		TOTAL EXCLUSIONS	AREA AS OF MAR 31, 2009
			GOV'T	PRIVATE		
Alberni Clayoquot	7,935	808	958	84	1,041	7,702
Bulkley Nechako	297,611	70,798	1,710	462	2,172	366,237
Capital	19,595	289	664	2,155	2,819	17,065
Cariboo	925,506	18,594	14,326	4,114	18,439	925,661
Central Coast	4,453	53	0	65	65	4,442
Central Kootenay	71,539	803	7,315	1,102	8,417	63,924
Central Okanagan	33,077	210	4,513	2,695	7,207	26,079
Columbia Shuswap	67,409	1,375	15,448	2,487	17,935	50,849
Comox Strathcona	43,725	5,259	6,544	1,649	8,193	40,792
Cowichan Valley	21,984	420	3,628	1,054	4,683	17,750
East Kootenay	272,510	346	803	6,665	7,468	265,388
Fraser Fort George	349,636	43,557	9,981	2,320	12,301	380,892
Fraser Valley	76,803	415	3,837	1,557	5,394	71,824
Greater Vancouver	66,839	233	3,743	2,437	6,180	60,892
Kitimat Stikine	64,170	3,146	456	381	838	66,478
Kootenay Boundary	55,061	356	1,124	849	1,973	53,443
Mount Waddington	1,741	17	0	120	120	1,638
Nanaimo	21,053	1,880	3,119	1,351	4,470	18,462
North Okanagan	70,283	1,555	4,683	1,263	5,946	65,892
Northern Rockies	45,554	603	786	327	1,113	45,045
Okanagan Similkameen	86,478	2,196	1,934	2,983	4,917	83,756
Peace River	1,453,434	26,673	270	2,378	2,648	1,477,459
Powell River	14,130	502	4,925	161	5,086	9,546
Skeena-Queen Charlotte	43,887	80	20	167	187	43,780
Squamish Lillooet	27,126	939	2,632	291	2,923	25,141
Sunshine Coast	6,275	17	1,824	427	2,251	4,051
Thompson Nicola	568,705	2,134	1,396	2,896	4,292	566,546
TOTAL	4,716,516	183,263	96,639	42,437	139,076	4,760,703

* See page 52 for GIS ALR area

ALR Statistics Summary



Mapping / GIS

ALR MAPS

The Commission maintains the official maps of the ALR which are designated and indexed by Regional District.

Historically, ALR maps were created by manual drafting methods at two predominant scales of 1:50000 base maps and 1:10000 constituent maps. The Commission has been transitioning to a system of digitally produced ALR maps at a scale of 1:20000. In order to produce these maps using GIS (Geographic Information Systems), staff has to align the digital data to the current property boundary data and base data, conduct quality assurance, and complete new web pages for online map distribution.

In the past year digital mapping for one Regional District has been completed, leaving only one Regional District in the original mapping system. For this one area, the digital data is still considered provisional and the official ALR maps are produced manually.

Digital ALR maps can also be viewed online. http://www.alc.gov.bc.ca/mapping/ALR_maps.htm. Paper prints can be ordered as well. See http:/www.alc.gov.bc.ca/mapping/obtaining_maps.htm for details.

REGIONAL DISTRICTS MAINTAINED IN TRIM-BASED, 1:20,000 MAPS

Alberni-Clayoquot TRIM-based ALR maps: 5	**Metro Vancouver** TRIM-based ALR maps: 17
Bulkley-Nechako **TRIM-based ALR maps: 114**	**Mount Waddington** TRIM-based ALR maps: 6
Capital TRIM-based ALR maps: 21	**Nanaimo** TRIM-based ALR maps: 11
Cariboo TRIM-based ALR maps: 249	**North Okanagan** TRIM-based ALR maps: 36
Central Coast TRIM-based ALR maps: 7	**Northern Rockies** TRIM-based ALR maps: 24
Central Kootenay TRIM-based ALR maps: 63	**Okanagan-Similkameen** TRIM-based ALR maps: 41
Central Okanagan TRIM-based ALR maps: 19	**Peace River** TRIM-based ALR maps: 220
Columbia Shuwsap TRIM-based ALR maps: 49	**Powell River** TRIM-based ALR maps: 14
Comox Valley TRIM-based ALR maps: 11	**Skeena-Queen Charlotte** TRIM-based ALR maps: 30
Cowichan Valley TRIM-based ALR maps: 13	**Squamish-Lillooet** TRIM-based ALR maps: 30
East Kootenay TRIM-based ALR maps: 73	**Strathcona** TRIM-based ALR maps: 17
Fraser-Fort George TRIM-based ALR maps: 94	**Sunshine Coast** TRIM-based ALR maps: 9
Kitimat-Stikine TRIM-based ALR maps: 62	**Thompson-Nicola** TRIM-based ALR maps: 180
Kootenay-Boundary TRIM-based ALR maps: 39	

REGIONAL DISTRICTS MAINTAINED IN 1:50,000 BASE MAPS AND CONSTITUENT MAPS:

Fraser Valley ALR Base maps: 10 Constituent maps: 43

ONLINE APPLICATION TRACKING SYSTEM (OATS)/GIS DATA – ALR AREA

OATS
GIS DATA

The Online Application Tracking System (OATS), a new database that will help record, research and report on application-related information, was not completed as planned during fiscal 2008/09. It was hoped that with the introduction of the new system, the Commission would have the ability to report out more accurately on the complexities of Commission decisions and link this data to a mapping component using Geographic Information Systems (GIS).

The Commission intended to adopt the GIS method of reporting the ALR area during this fiscal year, however with the delay on delivery of the OATS database system this change in reporting has not been adopted.

ALR areas generated from GIS will vary from those previously reported. Historically, the original ALR area was calculated from manual mapping methods. To generate the ALR area in a given year, that original reported area was adjusted by subtracting excluded area and adding included area as recorded in the previous database, the Application Tracking System (ATS). In the future, ALR areas will be generated from GIS mapping data instead. It is to be expected that areas calculated two different ways will not be identical. However there are additional factors concerning the net change over time which make the two sets of statistics different:

- The ATS recorded all decisions of the Commission as net change, including decisions with conditions that may or may not have been met. However the GIS data and the ALR maps generated from it are not altered until all conditions have been met and the change is finalized. This discrepancy will be addressed in the future by the new OATS system, which will differentiate between outstanding conditional decisions and finalized decisions.
- The ATS recorded decision areas as property areas only. When these decisions are actually mapped there is non-property area affected as well, ie. roads and rights-of-way. As a result, the inclusions and exclusions as mapped are often larger than reported in the ATS.
- Decision areas reported in ATS were approximate when a decision required a subdivision. Actual areas may differ from decision areas once a survey plan is completed.

The table on the following page is to facilitate the transition between reporting methodologies. Column 1 shows the original ALR calculation at designation using the manual methodology. Column 2 shows net change to the ALR from all inclusion and exclusion decisions over the past 35 years, as reported by the ATS. Column 3 shows the current ALR the way it has been historically reported, by adding or subtracting the net change from the original estimate (Column 1 plus Column 2). Column 4 shows the current ALR as calculated using GIS. All areas are in hectares.

In the GIS reporting system, the provincial ALR is smaller than previously reported. It is important to note that the physical (on the ground) area and boundary of the ALR has not changed, except for where approvals were given for inclusions and exclusions of land. Only the methodology in which the ALR area is accounted for has changed, to reflect the improved accuracy available using digital mapping information.

Mapping / GIS

ALR DATA

GIS ALR at DESIGNATION
(all areas in hectares)

REGIONAL DISTRICT	Column 1 AREA AT DESIGNATION Dot Matrix/Planimeter	Column 2 Net Change 1974-2009 Q1	Column 3 ALC Decisions ALR Area March 31, 2009	Column 4 GIS ALR Area in ha April 30, 2009
Alberni Clayoquot	7,935	-233	7,702	7,756
Bulkley Nechako	297,611	+68,626	366,237	378,778
Capital	19,595	-2,530	17,065	16,409
Cariboo	925,506	+155	925,661	936,022
Central Coast	4,453	-12	4,442	4,659
Central Kootenay	71,539	-7,615	63,924	63,538
Central Okanagan	33,077	-6,998	26,079	27,278
Columbia Shuswap	67,409	-16,560	50,849	54,574
Comox-Strathcona	43,725	-3,414	40,310	41,886
Cowichan Valley	21,984	-4,234	17,750	19,000
East Kootenay	272,510	-7,122	265,388	266,332
Fraser Fort George	349,636	+31,256	380,892	407,379
Fraser Valley	76,803	-4,979	71,824	71,832
Greater Vancouver	66,839	-5,947	60,892	60,914
Kitimat Stikine	64,170	+2,308	66,478	66,015
Kootenay Boundary	55,061	-1,618	53,443	54,133
Mount Waddington	1,741	-103	1,638	2,027
Nanaimo	21,053	-2,591	18,462	18,717
North Okanagan	70,283	-4,391	65,892	69,711
Northern Rockies	45,554	-509	45,045	48,567
Okanagan Similkameen	86,478	-2,722	83,756	84,113
Peace River	1,453,434	+24,025	1,477,459	1,289,446
Powell River	14,130	-4,584	9,546	9,700
Skeena-Queen Charlotte	43,887	-107	43,780	43,105
Squamish Lillooet	27,126	-1,984	25,141	25,341
Sunshine Coast	6,275	-2,224	4,051	3,980
Thompson Nicola	568,705	-2,159	566,546	574,333
TOTAL	4,716,516	+44,734	4,760,251	4,645,538

2008/09 Financial Report

DESCRIPTION	BUDGET	ACTUAL*
SALARIES	$1,350,000	$1,253,483
BENEFITS	322,000	297,236
COMMISSION	275,000	387,993
STAFF TRAVEL	86,000	82,572
BUILDING OCCUPANCY	180,000	163,853
PROF SERVICES CONTRACTS	7,000	4,788
LEGAL CONTRACTS	103,000	104,879
INFORMATION SYSTEMS	30,000	28,891
OFFICE SUPPLIES & BUSINESS EXPENSES	40,000	41,700
STATUTORY ADVERTISING	15,000	4,007
UTILITIES & MATERIALS	1,000	991
VEHICLES	20,000	24,822
AMMORTIZATION	4,000	1,095
OTHER EXPENSES	2,000	0
FTEs	23	23
TOTAL BUDGET	**$2,435,000**	**$2,396,310**

*Does not include costs of $261,000 transferred to the Ministry of Agriculture and Lands